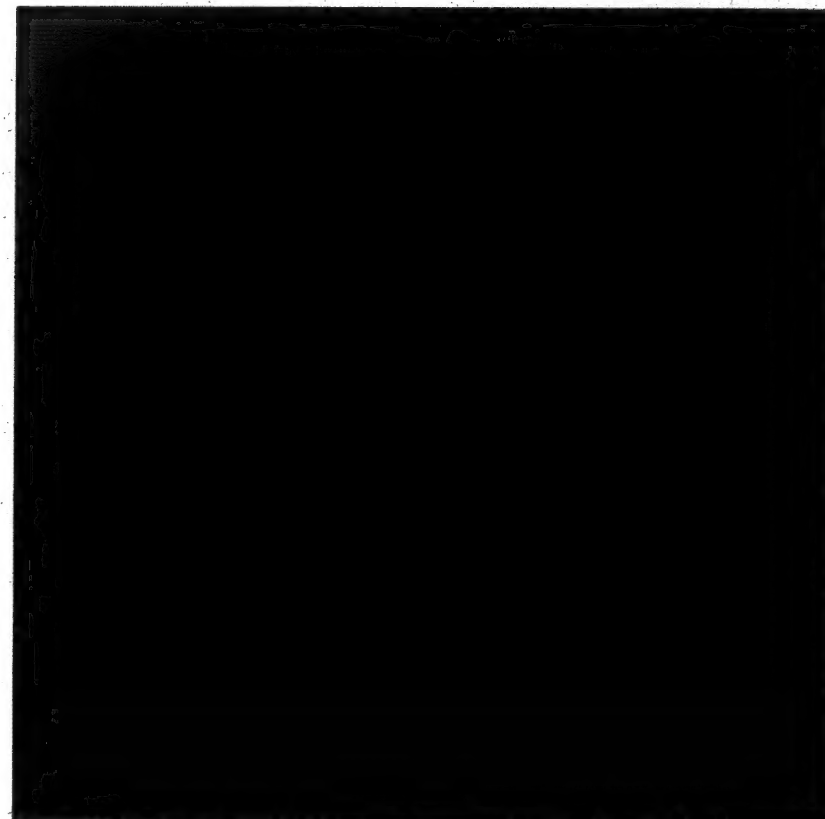
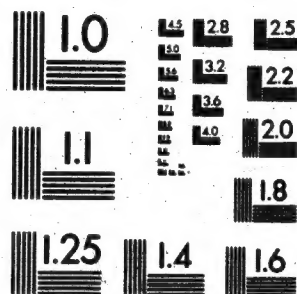
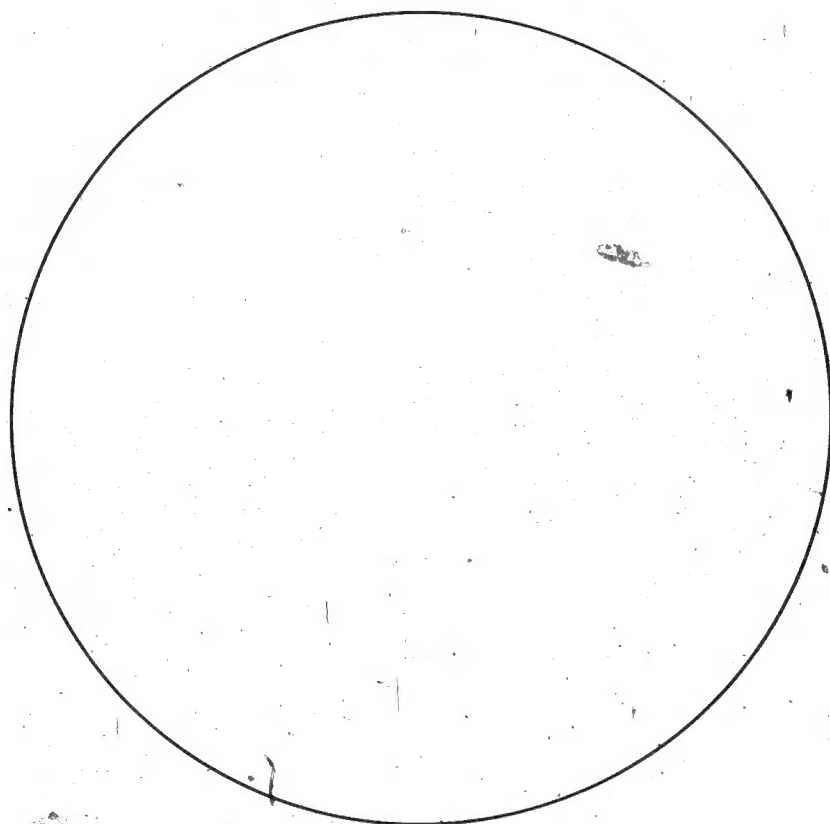
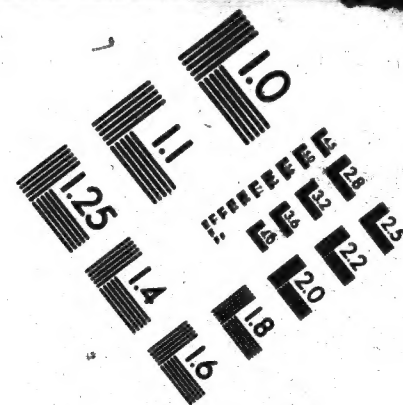
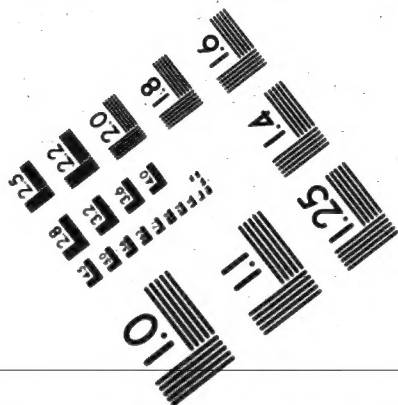


THE GENEALOGICAL SOCIETY
OF UTAH

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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 63

CHOCTAW R229-R397

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choc R229 Susan G. Pipkin

R229

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the application of John Pipkins for enrollment as an inter-married Choctaw; being sworn and examined by com'r McKennon he states

- Q What is your name? A John Pipkins.
Q How old are you? A Forty-eight.
Q You claim as an intermarried Choctaw citizen? A Yes sir.
Q Your wife was never enrolled as a Choctaw citizen? A No sir.

com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

In the matter of the enrollment of John M. Pipkin, Susan G. Pipkin, and her children to citizenship in the Choctaw Nation.

SUSAN G. PIPKIN, being sworn and ~~exam~~ examined as a witness in her own behalf, testified as follows, to-wit:

Question by Col/ Deval.

Question. What is your age?

Answer. 45.

Q Where do you reside? A Choctaw Nation, on the Poto River.

Q How far from Ft. Smith? A 6 miles, I think they call it.

Q How long have you lived there? A 22 years this last November since we came on the place.

Q Are you married? A Yes, Sir.

Q What is the name of your husband? A John Pipkins.

Q State the name of your children? A Elias M., age 21.

Q Give the name of the next? A John Albert is the next. How old? A 19.

Q The next one? A His name is Oscar, age 17. Two years difference. Myrtle is the next one, 15, the next is Joanna, 13, the next is Bessie, 8 years, the next Leonie, 4 years, Buster, 4 years of age. Susie is the next one, she will be two years old in May, one year old now.

Q State who your mother is? A Johanna Mickle.

Q What is your father's name? A Harmon Mickle.

Q Is your father living? A No, Sir.

Q Is your mother? A Yes, Sir.

Q Where do she reside? A Her home is in South McAlester

Q How long have you resided in the Choctaw nation? A Been there 22 years, been there pretty nearly all my life. My father moved to the Choctaw Nation when I was 6 months old, and they stayed there until I was a good sized girl and then brought me to the states and sent me to school; there were no schools in the nation at that time. My father has owned land in the nation all his life, -he died in the nation.

Q You have lived the last 22 years of your life continuously in the Choctaw Nation? A Yes, Sir.

Q On the same place you live on now? A Yes, Sir. All my children were born and raised there on the place. We bought the place in good faith and came there with the intention that we were natives of the nation. My father was always alluded to as such. We came there with the belief that we had a right and settled the place and made what we have on it. They never called on us for any permit, and taken us all on the Choctaw census. The Choctaw sheriff did. He would have come this morning as a witness but he was sick.

Q State how you came by the place? A Bought the place from a lady by the name of Kittle Hogue. Her name used to be Allen.

It is known as the old Arlen place.

Q Bill of sale made to you? A No, Sir, to my father. My father bought the place for me.

Q What was paid for the place? A \$725.00. There was just the improvement when he bought it.

Q That was soon after your marriage, was it? A Yes, Sir.

Q In the matter of the application for enrollment, do you know anything in regard to how it was that the names of your children were not included in the application? A Nothing, only from the carelessness of the lawyer. He is the one. My name was at the head of the list when I gave it to him; when the names were given to this lawyer. He said that on the spur of the moment he left out four of our names.

Q You mean four of your mother's children? A Yes, Sir me and my children.

Q I wish you would state the names of your mother's children that were left out, that are living, sisters and brothers? A Jennie Lowery was the oldest; Florence Hamilton, the next was Osborne Mickle.

Q Those three are living? A Yes, Sir.

Q Any others that are living? A No, Sir.

Q Was your sister's baby left out? A Yes, Sir, her baby, baby left out.

Q That sister is dead? A No, Sir, the sister that is dead her children are on the rolls.

Q Those three were left out? A Yes, Sir.

Q How many children did your mother have? A Living.

Q Four left out and four admitted? A Yes, Sir.

Q Your mother and father lawfully married, as you understand it? A Yes, Sir. Ma has her statement of marriage; of course the marriage license was burned at the time the court house at Greenwood was burned out.

Q Greenwood, Sebastian county, Arkansas, at the time the court house was burned? A Yes, Sir.

Q Yourself and those that were admitted, and those that you named were full sisters and brothers? A Yes, Sir, had but the one father and mother.

Q No question ever been raised as to your right to citizenship the same as them? A No, Sir. Our rights have never been disputed. It was only carelessness of the lawyer that our names were left out.

Q Where were you born? A Right there on the road. In the nation at the time, but the way the line runs now it is in Arkansas. (Col. Duval.) I want to show that when her father settled upon the place where she was born, it was according to the lines, as they understood it, in the Choctaw Nation, and subsequently the line was changed and put it in the state of Arkansas. The line ran through there place, and left out part of it and part of it in. That the part put in the state was the residence, and the farm nearly all in the nation.

(Questions by Capt. McKennon.) Q You ever on the Choctaw rolls? A No, Sir, only on the census.

Q Were you ever on the rolls? Did you draw in 1893? A No, Sir.

Q Did your mother or any of the family? A I don't know whether Ma did or not, I never heard her say.

Q You are not upon the roll of 1898? A No, Sir, not upon that roll.

Q Your mother is not upon ~~that~~ that roll? A No, Sir.

Q You say that your right was never questioned; what necessity was there for any application if your right was not questioned? A I do not know, Sir.

(Col. Duval.) I want to show that they were living on the place as their own, and not as renters.

(Capt. McKennon.) Q You were never on the Choctaw rolls. There are no Choctaw rolls upon which your name is found? A The census, if you call that a roll. The sheriff took the census, he has us on that roll.

Q What year? A When Myrtle was ~~born~~ small, about 18 years ago. He called it taking the census of the Choctaw people.

(Col. Duval.) Q Did you ever make any application to have your name enrolled? A No, Sir.

(Capt. McKennon.) Q You were never admitted by the Choctaw council? A Yes, Sir, father's whole family was admitted by the Choctaw council.

Q When? A I don't know. My father was admitted as a citizen of the Choctaw Nation by the Choctaw Council.

Q Well, now, if you can show that? A Yes, Sir, he had it from the ~~the~~ chief's own hand writing. My mother burned up all the papers of my father.

Q You claim that your father was a Choctaw? A He was always counted as a citizen.

Q Was he a Choctaw Indian by blood? A No, Sir.

Q Your mother? A No, Sir.

Q All of them white people? A Yes, Sir.

Q No Indian blood in you at all? A No, Sir. He was admitted by marriage. His first wife was an Indian woman.

Q When was that? A After she died he married your mother? A Yes, Sir.

Q He said your mother both white people? A Yes, Sir.

Q COL. DUVAL. Do you know the name of your ~~father's~~ father's first wife? A Susan Morris.

Q She a Choctaw Indian by blood? A Yes, Sir, OJA Adam Morris' niece.

McKENNON. Q Where did he marry her? A There on the old place. What was supposed to be at the time in the Choctaw nation.

WITNESS REQUEST.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct representation of my stenographic notes.

W. A. Jones

BEFORE THE DAWES COMMISSION, AT MUSKOGEE? I. T.

IN RE.

John Pipkins and Susan G. Pipkins, his wife.

Ex Parte.

On this 27th day of February, A. D. 1900, at Fort Smith, Ark. personally came before me an acting and duly commissioned Notary Public, within and for the County of Sebastian and State of Arkansas, Johanna Mickle, to me well known, who being duly sworn by me upon her oath says: That she is the mother of Susan G. Pipkins, whose father was the late Hirmon Mickle, a citizen of the Choctaw Nation, and died in Wilburton, I. T., on the 23rd day of March, 1891. That she was lawfully married to said Harmon Mickle on the 19th. day of November, 1852, that the said Harmon Mickle was engaged in the Mercantile business in the Choctaw Nation at a place called Louisville, and after about three months he removed with the affiant to Brushy in said Nation where ~~we~~ remained until the breaking out of the war of 1861, when we removed to a place in the neighborhood of Fort Smith. We remained near Fort Smith several years when we moved to Wilburton in said Nation, where he died. That the time of our said marriage and continuously up to the time of his said death the said Harmon Mickle was recognized as a citizen thereof, enjoying all the rights, privileges and benefits of a native born citizen. That the family was recognized by the authorities of the Choctaw Nation at all times and no question was ever raised as to our rights to live there. After the Dawes Commission was authorized to hear and determine the right to citizenship I employed one Frank A. Ross, a Baptist preacher and lawyer to prepare the papers for herself and family to be

presented to the Dawes Commission and the proof as to their right to be enrolled as citizens of the Choctaw Nation. That she gave him the names and ages and sex of all her children. In making out the papers he left out the name of the said Susan G. Pipkins, Jennie Lowery, Florence and Osborne Mickle. That upon appeal from the decision of the Dawes Commission to the United States Court for the Central Division of the Indian Territory, it was discovered when it was too late to rectify the error according to the decision of the court, that the names of the aforesaid children were omitted from her application. That she and her other children named in said petition were admitted to citizenship by said United States Court. Said decision was afterwards affirmed by the Supreme Court of the United States, and that they all now enjoy the rights/privileges and immunities of native born citizens of said nation. She knows that her said husband had papers and documents from the said authorities recognizing his right to citizenship, and that of his wife and children in the Choctaw Nation. After his death his papers were lost or destroyed and some of them were burned by the affiant, because she thought they would be of no value, inasmuch as no question had never been raised by the Choctaw authorities as to their rights in the Choctaw Nation. That the said Susan G. Pipkins is as much entitled to be enrolled as a citizen, as her other children who are enrolled; that she and the said Susan has lived in the Choctaw Nation, in Skullyville County upon a place purchased by her father and given to her for the past twenty-two years and over, with her husband the said John Pipkins; that they have improved and cultivated the place with their labor until it has become valuable; that this was the only home that they have had since their marriage and their children have been born and reared upon it.

That they have made it as it is, because their right to citizenship had never been called in question until recently and that they are justly entitled to it. That in making the application for admission to citizenship by the Dawes Commission she confided entirely to the attorney she had employed who had explained in an affidavit filed in court that the omission of the names of her children was entirely an oversight, and made an affidavit to that effect before the United States Court. That she was ignorant as to the legal forms and never having had any experience in such matters she was astonished when she found that their names had been omitted, and that the only reason why all her children are not enjoying their rights as citizens of the Choctaw Nation is because their names were inadvertently omitted from the petition by the said Ross, and for no other reason, because they are full sisters and brothers. Out of the papers which have been retained among those that her husband left at the time of his death she annexes hereto, receipts from the license tax collectors for permits to his farm hands in which he is described as a citizen of the Nation. That his right to citizenship accrued to him by virtue of his marriage to Susana Morris a Choctaw Indian by blood, and a resident of said Nation up to the time of his death, and under the 38th. article of the treaty of 1856, his subsequent marriage, with the affiant conferred citizenship upon the affiant and upon her children as has been decided by the United States Court for the Central and Southern Divisions of said Nation.

(Signed) .

Joanna Mickle.

Sworn to and subscribed before me this 27th. day of February, A. D. 1900.

(Signed)

Florence M. Davies.

Notary Public.

(SEAL)

My commission expires Jan. 7, 1902.

SCULLYVILLE COUNTY

CHOCTAW NATION.

JAN. 2nd. 1882.

This is to show whom it may concern that Jos. Milton, a citizen of the United States has this day paid to me the sum of \$5.00. Five Dollars as required by law, for permission to reside within the limits of the Choctaw Nation for the period of one year from this date and work as a hireling in the employe of Harmon Mickle, as provided by an act of the Choctaw General Council, approved at the October session thereof, A. D. 1876.

R. J. Ward,

Sheriff of Scullyville County,

Choctaw Nation.

By Isam Watkins, Deputy.

SCULLYVILLE COUNTY,

CHOCTAW NATION.

Nov. 13th. 1883.

This is to show whom it may concern that Harmon Mickle a citizen of the Nation has this day paid to me the sum of \$16.00, dollars as required by law, for permit of Melton to reside within the limits of the Choctaw Nation, for the period of one year from this date, and work as a renter in the employe of Harmon Mickle, as provided by an act of the Choctaw General Council, approved at the October session thereof, A. D. 1882.

R. J. Ward,

Sheriff of Scullyville County,

Choctaw Nation.

By _____, Deputy.

SCULLYVILLE COUNTY.

CHOCTAW NATION.

Jan. 2nd. 1882.

This is to show whom it may concern that Thomas Deonnan a citizen of the United States, has this day paid to me the sum of \$5.00. Five Dollars, as required by law, for the permission to reside within the limits of the Choctaw Nation, for the period of one year from this date and work as a hireling Harmon Mickle, as p approved at the October session thereof, A. D. 1876.
By Isam Watkins, Deputy.

SCULLYVILLE COUNTY,

CHOCTAW NATION.

Nov. 13, 1883.

This is to show whom it may concern that Harmon Mickle, a citizen of the nation, has this day paid me the sum of \$16.00, Dollars as required by law, for permit of Martin to reside within the limits of the Choctaw Nation for the period of one year from this date and work as a a renter in the employe of Harmon Mickell as provided by an act of the Choctaw General Council, approved at the October session thereof, A. D. 1882.

(Signed.

R. J. Ward,

Sheriff of Scullyville County,

Choctaw Nation.

By _____ Deputy.

P E R M I T.

TO ALL TO WHOM THESE PRESENTS SHALL COME---GREETING:

KNOW YE, that I, John Taylor, Clerk of the County Court of Scullyville County, Choctaw Nation, by virtue of the authority in me vested by the laws of said Nation, do hereby grant unto B. F. Simms, a citizen of the United States, a permit to remain in this county a renter of Marmon Mickle for the year of 1887, with the right and privilege of farming, so long as the said B. F. Simms shall obey the laws and regulations of the Choctaw Nation in regard to non-citizens residing therein, not inconsistent with existing treaties and the Constitution and laws of the United States relating thereto, not contrary to the conforming to the rules and regulations respecting persons obtaining permits, and during good behavior.

Given under my hand and seal of office, affixed this
first day of January, A. D. 1887.

(Signed) John Taylor, County Clerk.

By _____ D. C.

(SEAL)

Indorsed on back in words and figures as follows:

No. 267. Amount \$5.00. Permit of B. F. Simms. Employed by
Harmon Mickle. 1887.

All business entrusted in my hands promptly attended to.

Office of N. F. Kerbbs,

Attorney at Law

will practice in all the

COURTS INCLUDING THE SUPREME COURT OF THE CHOCTAW NATION.

Oak Lodge, I. T., Oct. 15th. 1887

Mr. Hiram Mickel,

Fort Smith, Ark.

Dear Sir:-

I am pleased to inform you that the
U. S. Ind. Agents decision is in your favor. He decides you a
citizen of the Choctaw Nation. I am proud this question is set-
tled in your favor for it is nothing but just.

I will call and see you before long.

I am, yours,

Respectfully, N.F.Krebbs.

P E R M I T.

TO ALL TO WHOM THESE PRESENTS SHALL COME -- GREETING:

KNOW YE, That I, John Taylor, Clerk of the County Court of Scullyville County, Choctaw Nation, by virtue of authority in me vested by the laws of said Nation, do hereby grant unto G. W. Scott, a citizen of the United States, a permit to remain in this country a renter of Marmon Mickle for the year of 1887, with the right and privilege of farming, so long as the said G. W. Scott shall obey the laws and regulations of the Choctaw Nation in regard to non-citizens residing therein, not inconsistent with existing treaties and the constitution and laws of the United States relating thereto, not contrary to the conforming to the rules and regulations respecting persons obtaining permits, and during good behavior.

GIVEN under my hand and seal of office, affixed this
first day of January, A. D., 1887.

(Signed)

John Taylor, County Clerk.

(SEAL)

By _____ D. C.

Indorsed on back in words and figures as follows:

No. 268. Amount \$5.00. Permit of G. W. Scott. Employed by
Harmon Mickle. 1887.

R E C E I P T.

SCULLYVILLE COUNTY, Oct. 22, 1888.

Received of J. M. Pipkins, the sum of five dollars
in payment for registered two hirelings. No. _____ for the year
1888.

James Darneal, Sheriff.

Per E. S. Brown, Deputy.

No. _____

SCULLYVILLE COUNTY.

CHOCTAW NATION.

TO WHOM IT MAY CONCERN:

This is to certify that J. F. Smalley has been
registered on the County register of this County as a hireling in the
employe of Harmon Mickle for the ye ar 1889.

GIVEN under my hand this the 1 day of January, A. D.
1889.

(Signed) E. V. Fainin,

County Clerk, Scullyville.

Isdabbed on back in words and figures as follows:

No. 2 -- Amt. Due \$2.00. Name J. F. Smalley. Employed by
Harmon Mickle. Year 1889.

REGISTRY RECEIPT.

Post Office at Cavanaugh, Ark.

Letter(No. 6. Rec'd 5/13, 18__

Registered Parcel(

of _____ Jno. Pipkins

Addressed to G. W. McCain, Oak Lodge, Ind. Ter.

P. S. Beard P. M. P. M.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

In the matter of the application of Susan G. Pipkin for the enrollment of herself and her nine minor children, Elias Pipkin, John Albert Pipkin, Oscar Pipkin, Myrtle Pipkin, Jeannette Pipkin, Bessie Pipkin, Leemie Pipkin, Buster Pipkin and Susie Pipkin as citizens of the Cheetaw Nation, and for the enrollment of her husband, John Pipkin, as a citizen by intermarriage of the Cheetaw Nation.

---: D E C I S I O N :---

The record in this case shows that Susan G. Pipkin appeared before the Commission at Muskogee, Indian Territory, on May 8, 1900, and then and there made application for the enrollment of herself and her nine minor children, Elias Pipkin, John Albert Pipkin, Oscar Pipkin, Myrtle Pipkin, Jeannette Pipkin, Bessie Pipkin, Leemie Pipkin, Buster Pipkin and Susie Pipkin, as citizens of the Cheetaw Nation, and for the enrollment of her said husband, John Pipkin, as a citizen by intermarriage of the Cheetaw Nation, and it further appears that prior thereto, the said John Pipkin appeared before the

(2).

Commission at South McAlester, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and then and there made application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and the said John Pipkin, being in both applications, his rights are considered in this application with the other members of his family.

It does not appear from the evidence offered in support of this application, and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicants, or any of them, have ever been enrolled as citizens of the Choctaw Nation, nor do their names, or any of them, appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they, or either of them, have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

Neither does it appear that the said John Pipkin, who makes application as an intermarried citizen of the Choctaw Nation has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen of that Nation.

It further appears from an examination of the records in possession of the Commission to the Five Civilized Tribes, that Joanna Mickle, who is the mother of Susan S. Pipkin, the principal applicant herein, filed her original petition for citizenship in the Choctaw Nation with the Commission under the act of Congress of June 10, 1896, (29 Stats., 321,) the same being on citizenship docket "C" number 400, and styled "Joanna Mickle, et al., vs. the Choctaw Nation." The said Joanna Mickle, the mother of the principal applicant herein, and through whom the right to citizenship in the Choctaw Nation is claimed in this application, was denied admission to citizen-

(3).

ship in the Choctaw Nation by the Commission to the Five Civilized Tribes, and an appeal perfected to the United States Court in Indian Territory, for the Central District, at South McAlester, and the said Court, in Court case number 240, Jeanna Mickie et al., vs. the Choctaw Nation, by its judgment duly entered of record on the 5th day of August, 1897, reversed the decision of the Commission and admitted Jeanna Mickie, et al., as an intermarried citizen of the Choctaw Nation.

It further appears in evidence that Jeanna Mickie, is a white woman, and claimed her right to citizenship in said nation through her husband, Harmon Mickie, a white man, who had been previously married to a Choctaw woman by blood.

It also appears that none of these applicants were included in the original petition of Jeanna Mickie, et al., for citizenship in the Choctaw Nation, and that all of these applicants are descendants of Jeanna Mickie and Harmon Mickie, both white persons, and were born prior to the filing of said original petition of Jeanna Mickie, et al., for citizenship in the Choctaw Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that none of the applicants have ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It appears that none of these applicants are descendants born since such rolls were made, as defined in the twenty-first

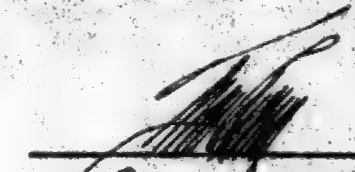

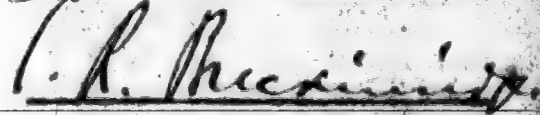
(4).

section of the act of Congress of June 23, 1906, (34 Stats., 493) which provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee) eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, and enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It is, therefore, the opinion of this Commission that Susan E. Pipkin, and her children, Elise Pipkin, John Albert Pipkin, Oscar Pipkin, Myrtle Pipkin, Jeanna Pipkin, Beale Pipkin, Leonie Pipkin, Buster Pipkin and Susie Pipkin, and her husband, John Pipkin, are not lawfully entitled to be enrolled as members of the Choctaw Tribe of Indians in Indian Territory, and that their application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

APR 14 1902

Chester A. 257

COPY

McKeegan Indian Territory, April 14, 1908.

Susan O. Pipkin,

In Care Col. Ben T. Deval,

Fort Smith, Arkansas.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself, your nine children, Elias Pipkin, John Albert Pipkin, Oscar Pipkin, Myrtle Pipkin, Jeanna Pipkin, Beattie Pipkin, Lewis Pipkin, Buster Pipkin and Samie Pipkin, and your husband, John Pipkin, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tama Dixey.

CHIEF

Acting Chairman.

COPY.

Muskogee, Indian Territory, April 14, 1908.

Ben T. Duval,

Attorney at Law,

Fort Smith, Arkansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susan G. Pipkin, Elias Pipkin, John Albert Pipkin, Oscar Pipkin, Myrtle Pipkin, Joanna Pipkin, Bessie Pipkin, Leonie Pipkin, Buster Pipkin, Susie Pipkin and John Pipkin, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Tams Bixby.

Acting Chairman.

Register.

Enc Y-52

COPY.

Muskogee, Indian Territory, April 14, 1902.

Messrs Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susan G. Pipkin, Elias Pipkin, John Albert Pipkin, Oscar Pipkin, Myrtle Pipkin, Joanna Pipkin, Bessie Pipkin, Leonie Pipkin, Buster Pipkin, Susie Pipkin and John Pipkin, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Tams Dixby.

Acting Chairman.

Register.
Enc Y-30

COPY.

Muskogee, Indian Territory, April 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Susan G. Pipkin for the enrollment of herself, her nine children, Elias Pipkin, John Albert Pipkin, Oscar Pipkin, Myrtle Pipkin, Joanna Pipkin, Bessie Pipkin, Leonie Pipkin, Buster Pipkin, Susie Pipkin, and her husband, John Pipkin, as citizens of the Cheotaw Nation, including the decision of the Commission, dated April 14, 1902, refusing the application for the enrollment of Susan G. Pipkin, Elias Pipkin, John Albert Pipkin, Oscar Pipkin, Myrtle Pipkin, Joanna Pipkin, Bessie Pipkin, Leonie Pipkin, Buster Pipkin, Susie Pipkin and John Pipkin as citizens of said nation.

Yours truly,

(SIGNED) *Jame Bixby.*

Acting Chairman.

1 enclosure

Through the Commissioner
of Indian Affairs.

(COPY)

Refer in reply to
the following:
Land
82949-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made April 14, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Susan G. Pipkin for the enrollment of herself and her minor children, Elias, John Albert, Oscar, Myrtle, Joanna, Bessie, Leonie, Buster and Susie Pipkin, and her husband, John Pipkin, as citizens of the Choctaw Nation.

It is stated by the Commission that John Pipkin appeared on September 4, 1899 and made application for the enrollment of himself as an intermarried Choctaw citizen and that Susan G. Pipkin appeared on May 8, 1900, and made application for the enrollment of herself and her nine children above named as citizens of the Choctaw Nation.

The Commission reports in effect that this is an original application made subsequent to September 8, 1896, and that therefore

it cannot be considered. It is stated also by the Commission that Joanna Mickle, the mother of Susan G. Pipkin, was admitted to citizenship in the "Choctaw" by the United States court for the central district of Indian Territory, but that the names of the applicants herein are omitted from the application in that case, and the applicants testify that the omission was because of an error or oversight.

The Department is bound by the statutes and has no authority, as the office understands it, to direct the admission of these parties.

It is therefore respectfully recommended that the Commission be advised that its decision is affirmed.

Very respectfully,

Your obedient servant,
(Signed) A. C. Tonner,
Acting Commissioner.

WCV
D

3 inclosures.

COPY.

25283

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.2601-1902.

April 26, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

April 24, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the matter of application for enrollment of Susan G. Pipkin and her minor children, Elias, John Albert, Oscar, Myrtle, Joanna, Bessie, Leonie, Buster and Susie Pipkin, as citizens of the Choctaw Nation, and for enrollment of her husband, John Pipkin, as a citizen by intermarriage of said nation, and recommended that your decision be approved.

It appears from your decision that the applicants have never been enrolled or admitted to citizenship by any lawful authority; that John Pipkin has never been married in accordance with tribal law to a recognized and enrolled citizen of the Choctaw Nation; and that none of the applicants was born since the date of any previous roll of citizens, as defined by section 21 of the act of June 28, 1898 (30 Stat., 495). You therefore rejected said application.

J 110108116

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 6 1902



ACTING CHAIRMAN.

A. 1902

A. P. R. CO.

The Department affirms your decision. Copy of the
Acting Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

END

1 inclosure:

RECEIVED
COMMISSION TO THE DISTRICT JUDGES
DEPARTMENT OF THE DISTRICT

MAY 6 1905

RECEIVED

Choctaw R. 1119.

COPY.

Muskogee Indian Territory, May 6, 1902.

Susan G. Pipkin,

In care Col. Ben T. Duval,
Fort Smith, Arkansas.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of April 26, 1902, affirmed the decision of the Commission, dated April 14, 1902, denying the application made by you for the enrollment of yourself and your nine children, Elias, John Albert, Oscar, Myrtle, Joanna, Bessie, Leonie, Buster and Susie Pipkin and your husband, John Pipkin, as citizens of the Choctaw nation.

Yours truly,

SIGNED

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, May 6, 1903.

Ben T. Dural,

Attorney at Law,

Fort Smith, Arkansas.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of April 26, 1903, affirmed the decision of the Commission, dated April 14, 1903, denying the application made for the enrollment of Susan G. Pipkin and her minor children, Elias, John Albert, Oscar, Myrtle, Joanna, Bessie, Leonie, Buster and Susie Pipkin and her husband, John Pipkin, as citizens of the Choctaw nation.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY.

Choctaw B 229

Huskogee, Indian Territory, May 6, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of April 26, 1902, affirmed the decision of the Commission, dated April 14, 1902, denying the application made for the enrollment of Susan G. Pipkin and her minor children, Elias, John Albert, Oscar, Myrtle, Joanna, Bessie, Leonie, Buster and Susie Pipkin and her husband, John Pipkin, as citizens of the Choctaw Nation.

Yours truly,

T. B. Needles.

(SIGNED),

Commissioner in Charge.

Muskogee, Indian Territory, May 8, 1900.

Mr. Ben T. De Val,

Attorney at Law,

Fort Smith, Arkansas,

Dear Sir:

The Commission is in receipt of your communication of April 23rd, inclosing the affidavit of Johannes Stickle, and exhibit thereto, in the matter of the application for enrollment as a son of John and Susan Pipkins, and the same has been duly filed with the records of this Commission.

Yours truly,

Acting Chairman

In replying to this letter,
please refer to 7-R322.

Choctaw R. 229

Muskogee, Indian Territory, May 17, 1902

Ben T. Duval,

Attorney at Law,

Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, calling attention of the Commission to our communication of May 6, 1902, advising you that the Secretary of the Interior on April 26, 1902, affirmed the decision of the Commission of April 14, 1902, denying the application made for the enrollment of Susan G. Pipkin and her minor children as citizens of the Choctaw Nation and for her husband, John Pipkin as a citizen by intermarriage of the Choctaw Nation.

You state in your letter that it was your intention after receiving a copy of the decision of the Commission to forward to the Secretary of the Interior, exceptions and a brief in support of the application of Mrs. Pipkin and her children and was surprised to find that the case had been decided so promptly; that Mrs. Pipkin and her family have resided for over twenty years and made valuable improvements in the Choctaw nation under the belief that they were entitled to citizenship and that some of her brothers and sisters have been admitted to citizenship in the Choctaw Nation.

1
SIDE

In conclusion you desire to be informed as to the effect of this decision and can these persons now be removed from the place occupied by them without compensation for their improvements and before the crops that have been planted have been gathered.

Replying to your communication you are advised that the action of the Secretary of the Interior of April 26, 1902, affirming the decision of the Commission rejecting the application for the enrollment of Susan G. Pipkin and her children and her husband as citizens of the Choctaw Nation is final and the effect thereof is to deny to these persons the right to enrollment or to participate in the allotment of the lands or the distribution of the funds of the Choctaw Nation in Indian Territory.

The adjudication of the rights to citizenship of these persons determines their right to hold possession of or receive benefits from the land and other property of the Choctaw Nation in Indian Territory and their status is now that of non citizens who are in no manner entitled to recognition or enrollment as citizens of the Choctaw Nation.

The allotment of the lands of the Choctaw Nation will be made to those citizens whose names appear upon the final rolls as submitted to and approved by the Secretary of the Interior and the names of Susan G. Pipkin and her children and her husband will not

STDS

be included on the roll so submitted,

If Mrs. Pipkin has made improvements of a permanent character in the Choctaw Nation under the presumption that she was a citizen of that Nation and would be entitled to receive her allotment of the lands thereof, it would be advisable for her to take some steps to dispose of the same to a recognized citizen of the Choctaw Nation before the allotment of the lands of the Choctaw-Chickasaw country is made by the Commission to the Five Civilized Tribes.

Yours truly,

Acting Chairman.

CHOCTAW
In the matter of the application
for enrollment of Susan G. Pipkin,
as citizens of the Choctaw Nation.

REFUSED. APR 14 1902

COPY OF DECISION FORWARDED

APPLICANT APR 14 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT APR 14 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS APR 14 1902

RECORD FORWARDED DEPARTMENT

APR 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR,

APR 26 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT,

MAY 6 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT,

MAY 6 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS,

MAY 6 1902

Empty

Ed. Pike

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. #100

CHOCTAW.

R 232

Carry Pike

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 231

CHOCATAW.

R. 233

John Perkins

Record Transferred to
Choctaw R* 229.

CHOCTAW.

R. 234

Lee Pitchlynn

Record Transferred to
Choctaw Card 5697

CHOCATAU.

R. 235

Sophia Pitchlynn

Record transferred to
Choctaw Card # 5698

R. 236

Eliza J. Pierce, et al.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R.

#161

Choc R237 Rebecca E. Powell

R237

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Rebecca E. Powell for enrollment as a Choctaw; William A. Powell being sworn and examined testifies:

- Q What is your name? A William A. Powell.
- Q How old are you? A Forty-four.
- Q Are you on the Choctaw rolls? A No sir.
- Q Have you ever been? A No sir.
- Q Have your father and mother ever been on the Choctaw rolls?
- A No sir.
- Q You don't claim citizenship? A No sir.
- Q What is your wife's name? A Rebecca E. Powell.
- Her maiden name was Reagan, she is forty years old.
- Q Has she ever been on the Choctaw rolls? A No sir.
- Q Were her father and mother on the Choctaw rolls? A No sir.
- Q Where did she come from? A Texas.
- Q When? A In 1867 first time and went back.
- Q When did she come the last time? A In 1898, September.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

MD Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----00-----

In the matter of the application of William A. Powell for the enrollment of his wife, Rebecca H. Powell, as a citizen of the Choctaw Nation.

D E C I S I O N.

The record in this case shows that William A. Powell appeared before the Commission at Atoka, Indian Territory, at its session beginning August 20, 1890, and ending September 2, 1890, and then and there made personal application for the enrollment of his wife, Rebecca H. Powell, as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been admitted or enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor

by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stat., 321).

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

It appears from the evidence that the applicant had not, prior to June 23, 1898, removed to and in good faith settled within Indian Territory.

The act of Congress of June 23, 1898, (30 Stat., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship....."

For the purpose of protesting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stat., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The applicant was, on the 18th day of February, 1903, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stat., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokees), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 231) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Rebecca E. Powell is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskogee, Indian Territory.

MAY 12 1902

COPY

Land.
29, 240-1902.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Washington, June 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the application of Rebecca E. Powell for enrollment as a Choctaw citizen.

The Commission to the Five Civilized Tribes ruled adversely on her application.

From the record it appears that the applicant was never enrolled, admitted or in any way recognized as a Choctaw citizen, and that she does not claim as a Mississippi Choctaw.

Under the provisions of the existing law the Commission had no authority to enroll said applicant, and I therefore respectfully recommend that the decision of the Commission refusing enrollment on this application be approved.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

(E.S.S.) P.

C O P Y

34068

D.C. No. 10033-1902.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 3500-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 12, 1902, you transmitted the record in matter of application for enrollment of Rebecca E. Powell as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen, and was not residing in Indian Territory on June 28, 1898. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan
Acting Secretary.
E.M.D.

1 inclosure.

COPY

Chas. B. May.

Mustang, Indian Territory June 22, 1902.

Rebecca E. Powell,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Cherokee Nation.

Yours truly,

SIGNED

E. B. Needles.

Commissioner in Charge.

COPY

Chester B. 237.

Wu Kogee, Indian Territory June 23, 1902.

Messrs. Mansfield, Murray & Cornish,

Attorneys, for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by Rebecca E. Powell for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED: *T. B. Needles.*

Commissioner in Charge.

Muskogee, Indian Territory, May 2, 1900.

Mr. W. H. Powell,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 19th, in regard to the enrollment of your wife as a Choctaw by blood, stating that she was rejected for enrollment by this Commission because she was not on the roll of 1896, and requesting that information be furnished you in regard to this matter.

The Commission is not able to clearly identify your wife for the reason that you do not state in your letter what her name is. The records, however, show that Rebecca E. Powell, the wife of William A. Powell, was refused enrollment by this Commission at Atoka when the Commission was at that point last fall for the purpose of hearing applicants for enrollment in the Choctaw Nation. In the testimony of William A. Powell, given at that time before the Commission it appears that Rebecca E. Powell was forty years old, and her maiden name was Reagan. If this is not the party of whom you inquire, if you will furnish the Commission with the full name and age, the time and place that she appeared before the Commission as an applicant for enrollment, and any other information that may lead to her identification, the matter will receive further consideration.

Yours truly,

Active Chairman.

COPY.

Choctaw R 237

Muskogee, Indian Territory, May 12, 1902.

Mansfield, Murray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Rebecca E. Powell as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *Tams Bixby.*

Acting Chairman.

1 inclosure
Choctaw R 237

COPY.

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by William A. Powell for the enrollment of his wife, Rebecca E. Powell, as a citizen of the Choctaw Nation, including the decision of the Commission dated May 12, 1902, refusing the application for the enrollment of Rebecca E. Powell as a citizen of said nation.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

1 inclosure
Choctaw R 237

Through the Commissioner
of Indian Affairs.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chester No. B-257.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Washoe, Indian Territory, February 18, 1902.

In the matter of the application of
Rebecca E. Powell for the enrollment
of herself as a citizen by blood of
the Choctaw Nation.

To Rebecca E. Powell,

Atoka, Indian Territory.

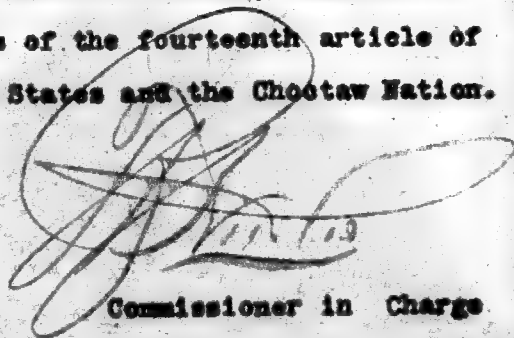
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under the
act of Congress of June 20, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior.

Such affidavit must be sworn to by yourself and by the
corroborating witnesses, and must set forth the fact that you are a

R. E. P., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge

Register.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Res 226

UNCLAIMED.

Muskogee

Rebecca E. Fowl,
Atoka,

RETURN TO WRITER

I.T.

7394



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Muskogee

Rebecca E. Fowl,



2153

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40.013.
REFER IN REPLY TO THE FOLLOWING

Choctaw R 237

Muskogee, Indian Territory, May 12, 1902.

Rebecca E. Powell,

Atoka, Indian Territory,

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made for your enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

1 inclosure
Choctaw R 237
Registered.

CHOCTAW

In the matter of the application
for the enrollment of Rebecca M.
Lowell as a citizen of the Choctaw
Nation.

REFUSED MAY 12 1902

COPY OF DECISION FORWARDED
APPLICANT MAY 12 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY 12 1902

RECORD FORWARDED DEPARTMENT.
MAY 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

Choc R238

Mary Pope

R238

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the application of Mary Pope for enrollment as a Choctaw;
being sworn and examined by Com'r McKennon she testifies:

- Q What is your name? A Mary Pope.
- Q How old are you? A Thirty-two.
- Q You are not on the Choctaw rolls? A No sir.
- Q Never have been? A No sir.
- Q And your father and mother never have been on the Choctaw rolls? A No sir.
- Q How long have you been living in the Territory? A About eleven years right on a stretch.
- Q Did you make application to the Dawes Commission in 1896?
- A No sir, I went with mother when she went before a Notary Public and made application. Mrs. Blear is my mother.
- Q And your application went in with hers? A Yes sir.
- Q And you never heard from it? A No sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the Dawes Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Pope for the enrollment of herself as a citizen of the Choctaw Nation.

---: DECISION:---

The record in this case shows that the applicant, Mary Pope, appeared before the Commission at North McAlester, Indian Territory, at its session beginning September 4, and ending September 13, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of said Nation.

It appears from the records in the possession of the Commission that the applicant, Mary Pope, under the name of Mary Bloor, in connection with others, filed with the Commission to the Five Civilized Tribes, her petition for admission to citizenship by blood in the Choctaw Nation, under the act of Congress of June 10, 1896, (29 Stats., 321) the same being an citizenship docket No. 918, and styled Mary S. Bloor, et al., vs. Choctaw Nation, which said application was denied by this Commission, and no appeal taken therefrom.

It does not appear that the applicant, Mary Pope has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the act of Congress of June 28, 1898, (30 Stats., 495), section 21 thereof, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicant was February 18, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. No response has been made to said notice by the applicant.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokees), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any applicant of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission that Mary Pope is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

Muskogee, Indian Territory, May 19, 1908.

Mansfield, McFarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Pope as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

Waskagee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Mary Pope for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Mary Pope as a citizen of said nation.

Respectfully,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Land.
30,960-1902.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.

Washington, June 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Mary Pope for enrollment as a Chectaw citizen.

The commission refused to enroll her.

From the record it appears that the applicant has never been enrolled or recognized as a Chectaw citizen, and further that this applicant, in connection with others, filed her petition for admission to citizenship in the Chectaw Nation, in 1896, and the commission ruled adversely on her petition.

No appeal was taken from the decision of the commission.

It is the opinion of this office that the commission had no authority to enroll this applicant under the provisions of the existing law.

I respectfully recommend that the decision of the commission

-3-
refusing to enroll this applicant be approved.

Very respectfully,

Your obedient servant,

A. C. Turner,

Acting Commissioner.

(H.S.S.)

P.

COPY.

D.C. 10842-1902.

P.

DEPARTMENT OF THE INTERIOR

I.T.D. 2775-1902.

L.R.S.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Mary Pope as a citizen of the Choctaw Nation. You refused her application because she has never been enrolled or admitted as a Choctaw citizen, and her application filed under the act of June 10, 1896 (29 Stat., 521), was denied by the Commission, and no appeal was taken to the United States Court. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY

Division 2 223.

Montrose, Indian Territory, July 1, 1902.

Mary Pope,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Cherokee Nation.

Yours truly,

SIGNED

T. B. Needles.

Commissioner in Charge.

COPY,

Choctaw 2 222.

Madagascar, Indian Territory, July 1, 1902.

Wendfield, McHurray & Gervish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 18, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Mary Pope for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED

T. B. Needles.

Commissioner in Charge.

Reg 404



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

22:2

Mary Pope,

~~South McAlester,~~

Indian Territory.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS S. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Choctaw No. R-238.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of }
Mary Pope, for the enrollment of }
herself as a citizen by blood of }
the Choctaw Nation.

To Mary Pope,

South McAlester, Indian Territory.

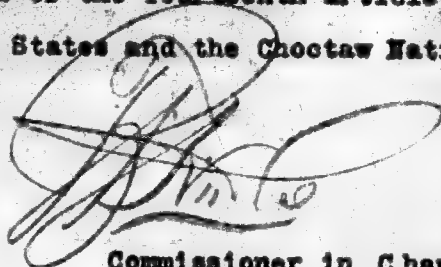
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

M. P., 2

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, featuring a prominent loop at the top and a long, sweeping underline.

Commissioner in Charge.

Register.

Reg 841



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

UNCLAIMED.

Mary Pope,

~~South McAlester,~~



7816

I.T.

W. O. B.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R 238.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 19, 1902.

Mary Pope,

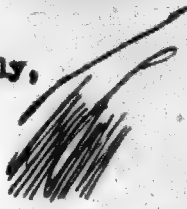
South McAlester, Indian Territory,

Dear Madam:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure.
Registered.

In the matter of the application for
the enrollment of Mary Pope as a
citizen of the Cherokee Nation.

DIRECTOR
BUREAU OF INDIAN AFFAIRS

MAY 19 1902

MAY 19 1902

DEPARTMENT OF DECISIONS
BUREAU OF INDIAN AFFAIRS

MAY 19 1902

CHIEF OF BUREAU
BUREAU OF INDIAN AFFAIRS

MAY 19 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
WARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

CHOCTAW

R. 239

Amel H. Porter

OR IDENTIFICATION AS
MISSISSIPPI CHOCTAW.

REFER TO M.C.R. - 4290

R. 240

Thomas Quaid

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #3445

R.241

John T. Quail

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. *3628

CHOCTAW

R. 242

Emily Quade

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. *3585

CHOCTAW.

R. 243

John S. Quade.

JOHN S. QUADE
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. 3628

CHOCTAW

R. 244

Eli H. Quad.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. 3541

CHOCTAW

R. 245

William A. Quade

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. 11. 3543

ORIGINAL

R. 246

Allen H. Quindlin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. *Pl*

CHOCTAW:

R. 247

Thomas Quillin

FOR IDENTIFICATION AS
MISSISSIPPI CHOCTAW.

REFER TO M.O.R. #84.

MISSISSIPPI

R. 24

Charles E. Quillen

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. #236

Class ARY9 Dials Refro

ARY9

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the application of Viola Renfro for enrollment as a Choctaw; being sworn and examined by com'r McKennon she states:

- Q What is your name? A Viola Renfro.
Q How old are you? A Nineteen.
Q Have ever you been on the choctaw rolls? A No sir.
Q Have your father and mother ever been on the Choctaw rolls?
A No sir.
Q You were born and raised in Texas? A Yes sir.
Q When did you come to the Territory? A Nine years ago.
Q Have you been here ever since? A Yes sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that the official stenographic transcript of the examination of Viola Renfro by the Commission is a true, full and correct translation of my stenographic notes.

M. D. McKeen

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Viola Renfre for the enrollment of herself as a citizen of the Cheetaw Nation.

-----D E C I S I O N-----

The record in this case shows that the applicant, Viola Renfre, appeared before the Commission at Atoka, Indian Territory, at its session beginning August 28, 1899 and ending September 2, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Cheetaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Cheetaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Cheetaw Nation, nor does her name appear upon any of the tribal rolls of the Cheetaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Cheetaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the

Chectaw Nation by the Commission to the Five Civilized Tribes, now by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Chectaw under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 15th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Chectaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stats., 495), provides:

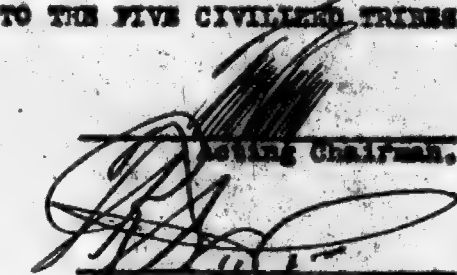
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee) eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Chectaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Viola Renfro is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

MAY 19 1902

COPY.

7-R-249.

Muskogee, Indian Territory, May 19, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Viola Renfro as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

xy

Acting Chairman.

1 inclosure.

COPY.

Waskogen, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Viola Renfro for enrollment as a citizen of the Cheyenne Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Viola Renfro as a citizen of said nation.

Respectfully,

SIGNED,

J. M. Dwyer,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Land.
30960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington, June 12, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record of proceedings in the matter of the application of Viola Renfro for enrollment as a Choctaw citizen. The Commission refused enrollment.

After considering the record and testimony this office is of the opinion that under existing law the Commission had no authority to enroll this applicant.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

E. S. S.
L.

COPY.

D.C.10531-1902.

F.

Department of the Interior.

I.T.D.5710-1902.

L.R.E.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 10, 1902, the Commission transmitted the record in the matter of the application for enrollment of Viola Hamfre as a citizen of the Choctaw Nation. You refused her application because she has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The department affirms your decision.

Respectfully,

W. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Choctaw B-249.

Washkgee, Indian Territory, July 1, 1902.

Munafield, McMurtry & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Viola Rouse, for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw R-249.

Muskogee, Indian Territory, July 1, 1902.

Viola Renfro,

Atoka, Indian Territory,

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 15, 1902, affirmed the decision of the Commission, dated May 15, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. D. Needles.

Commissioner in Charge.

Reg 109

Mr. [unclear]



Department of the Interior.

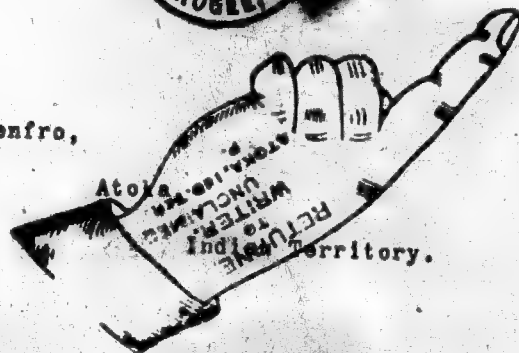
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Viola Renfro,



2156

W. O. G.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw No. R-249.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of)
Viola Renfrow, for the enrollment)
of herself as a citizen by blood of)
the Choctaw Nation. }

To Viola Renfro,

Atoka, Indian Territory.

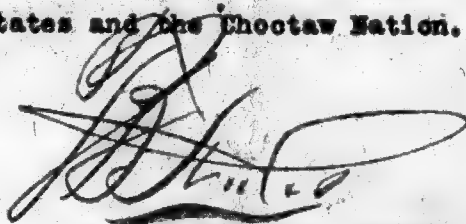
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

V. R., 2.

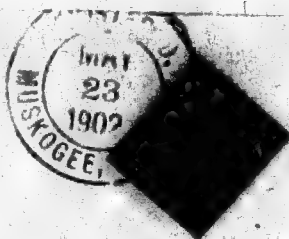
descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A handwritten signature in dark ink, appearing to be "J. H. Smith", written in a cursive style with a large loop at the end.

Commissioner in Charge.

Register.

R-252.
223



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RETURN TO WRITER.

Viola Renfro

7795

UNCLAIMED.

Unknown

Atoka

J. J.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

7-2-249.

ADDRESS ONLY IN
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 19, 1902.

Viola Renfre,

Atoka, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure.
Registered.

REFUSED.

MAY 19 1902

BY OF DECISION

APPLICANT

MAY 19 1902

MAY 19 1902

MAY 19 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

Choc R250 James M. Reagan

R250

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of James M. Reagan for enrollment as a
ghostaw; being sworn and examined by com'r McKennon he states:

- Q What is your name? A James M. Reagan.
Q How old are you? A Thirty-one.
Q Are you on the ghostaw rolls? A No sir.
Q Have you ever been? A No sir.
Q Have your father and mother ever been on the ghostaw rolls?
A No sir.
Q Where did you come from? A From Texas.
Q When did you come here? A Last February was a year ago.
Q You have been here ever since? A Yes sir.

com'r McKennon: You not being on the ghostaw rolls, nor your
parents, your enrollment is refused.

- Q Who did you employ? A Mr. Ralls.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

MD McKeen

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----208-----

In the matter of the application of James M. Reagan for the enrollment of himself as a citizen of the Chectaw Nation.

--- D E C I S I O N ---

The record in this case shows that the applicant, James M. Reagan, appeared before the Commission at Atoka, Indian Territory, at its session beginning August 25, 1899, and ending September 2, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Chectaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Chectaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Chectaw Nation, nor does his name appear upon any of the tribal rolls of the Chectaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Chectaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the

Chester Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married in accordance with the tribal laws of the Chester Nation to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Chester under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Chester Indians claiming rights in the Chester lands under article fourteen of the treaty between the United States and the Chester Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1908, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Chester. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed therein by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, and such intermarried white persons as may be entitled to Chester and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 851), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that James M. Reagan is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

MAY 12 1902


Chairman.

Commissioner.

Commissioner.

COPY.

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of James M. Reagan, for the enrollment of himself as a citizen by blood of the Choctaw Nation, including the decision of the Commission dated May 12, 1902, refusing the application for the enrollment of James M. Reagan as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED) *James Bixby.*

Acting Chairman.

1 enclosure
Choctaw R-350.

Through the Commissioner of
Indian Affairs.

COPY.

Chestaw-250

Muskogee, Indian Territory, May 12, 1902.

Mansfield, Mc Murray & Cornish,

Attorneys for the Chestaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James M. Rogers as a citizen by blood of the Chestaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED *Tams Bixby.*

Acting Chairman.

1 enclosure
Chestaw AR-250

C O P Y.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Yam
29240-1902 }

Washington, June 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the application of James M. Reagan for enrollment as a Choctaw citizen. The Commission ruled adversely in this application.

From the record and testimony it appears that this applicant was never enrolled or recognized as a Choctaw, and he does not make claim as a Mississippi Choctaw. The Commission, therefore, had no authority to enroll said applicant.

I respectfully recommend that the decision of the Commission refusing enrollment on this application be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

E.S.S.

L,

C O P Y.

DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D. 3497-1902.

June 12, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 12, 1902, you transmitted the record in the matter of the application for enrollment of James M. Reagan as a citizen of the Choctaw Nation. You refused the application because the applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY.

Chectaw R 250

Muskogee, Indian Territory, June 27, 1908.

James H. Ranges,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 18, 1908, affirmed the decision of the Commission, dated May 12, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Chectaw Nation.

Yours truly,

(SIGNED)

I. D. Needles.

Commissioner in Charge.

Chester-250

Muskogee, Indian Territory, June 27, 1902.

Manfield, McMurtry & Cornish,

Attorneys for the Chester and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application of James M. Reagin for the enrollment of himself as a citizen of the Chester Nation.

Yours truly,

(SIGNED)

T. E. Needles

Commissioner in Charge.

Reg

Mr. Reagan



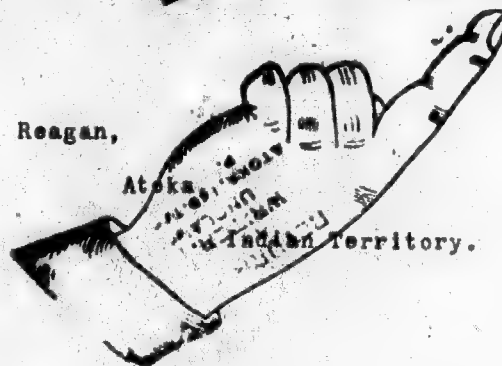
Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

James M. Reagan,



2158

COMMISSIONERS
HENRY L. DAWES.
TAMM SIXBY.
THOMAS E. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-250.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of }
James M. Reagan, for the enrollment }
of himself as a citizen by blood of }
the Choctaw Nation. }

To James M. Reagan,

Atoka, Indian Territory.

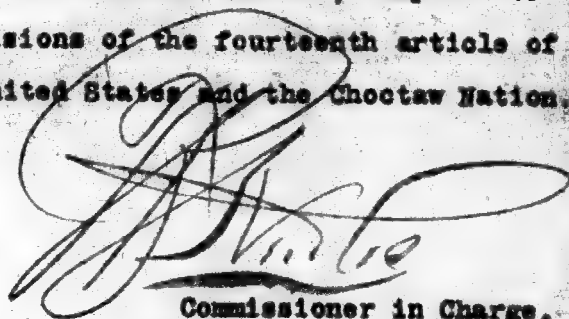
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior. "

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

J. M. R., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

UNCLAIMED.



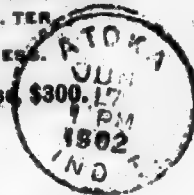
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



James M. Reagan,

7396

Reg 225-

prankman

Atoka,

RETURN TO WRITER.

Indian Territory.

Wm. O. B.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chectaw R-250

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 12, 1902.

James M. Reagan,
Atoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself as a citizen by blood of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 enclosure
Chectaw R-250
Registered.

Choc R251 John H. Reagan

R251

Commission to the Five Civilized Tribes.

Abolish Indian Territory.

In the application of John H. Morgan for enrollment as a Choctaw, being sworn and examined by C. H. McKenna, he states:

Q What is your name? A John H. Morgan.

Q How old are you? A Twenty-seven.

Q Have ever you on the Choctaw rolls? A No sir.

Q Have you father and mother ever on the Choctaw rolls?

A No sir.

Q When did you come to this Territory? A A year ago last March.

Q From Texas? A Yes sir.

Q Were you born and raised in Texas? A Yes sir.

Q Have you been here all the while since that time?

A Yes sir.

C. H. McKenna: Enrollment is refused, as you are not on the rolls.

Department of the Interior

Commissioner of the Bureau of Indian Affairs
Washington, D. C.
This certificate is not valid unless countersigned by the Commissioner of the Bureau of Indian Affairs.

[Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----00-----

In the matter of the application of John H. Reagan for the enrollment of himself as a citizen of the Choctaw Nation.

--- D E C I S I O N ---

The record in this case shows that the applicant, John H. Reagan, appeared before the Commission at Atoka, Indian Territory, at its session beginning August 24, 1899, and ending September 2, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes,

that this applicant has ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokees), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were

made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that John H. Reagan is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

MAY 12 1902

COPY

Chester R-281

Muskogee, Indian Territory, May 12, 1902.

Mansfield, McMurray & Gernish,

Attorneys for the Chester and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John Reagan as a citizen by blood of the Chester Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *Tams Bixby.*
Acting Chairman.

1 enclosure
Chester R-281.

COPY.

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by John Reagan for the enrollment of himself, as a citizen by blood of the Choctaw Nation, including the decision of the Commission dated May 12, 1902, refusing the application for the enrollment of John Reagan as a citizen by blood of said nation.

Respectfully,

(SIGNED)

Fame Bixby.

Acting Chairman.

1 enclosure
Choctaw R-251

Through the Commissioner
of Indian Affairs.

C O P Y.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs,

Land
29240-1902

Washington June 3, 1902

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and testimony in the application of John H. Reagan for enrollment as a Choctaw citizen.

From the record it appears that neither the applicant nor his parents were ever in any way recognized as Choctaw citizens and therefore the Commission had no authority to enroll this applicant.

I respectfully recommend that the decision of the Commission refusing enrollment on this application be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

(N.S.S.)

P.

C O P Y.

DEPARTMENT OF THE INTERIOR/
Washington.

June 12, 1902.

I.T.D. 3492-1902.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

May 12, 1902, you transmitted the record in the matter of the application for enrollment of John H. Reagan as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted to citizenship in said nation. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY

Choctaw R. 251

Muskogee, Indian Territory, June 27, 1902.

John H. Regan,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw H. 251

Muskogee, Indian Territory, June 27, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commissioner, dated May 12, 1902, refusing the application made by John H. Reagan for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TANS DIXBY,
THOMAS S. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chootaw No. R-251

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of
John Reagan, for the enrollment
of himself as a citizen by blood of
the Chootaw Nation. }

To John Reagan,

Atoka, Indian Territory.

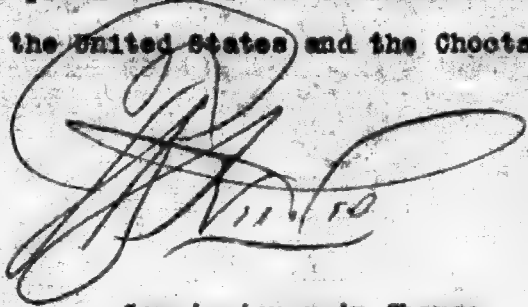
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Chootaw under
the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Chootaw Indians
claiming rights in the Chootaw lands under
article fourteen of the treaty between the
United States and the Chootaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a
descendant of Chootaw Indians who resided in the state of Mississippi

J. R., 3,

in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRUSHNIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-251

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 12, 1902.

John Reagan,

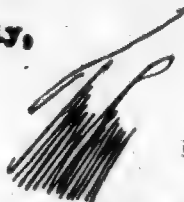
Ateka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen by blood of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 enclosure
Choctaw R-251
Registered.

Reg 110

Mr Reagan



Department of the Interior.

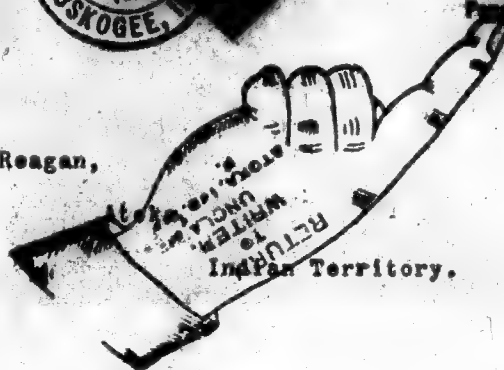
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

John Reagan,



2157



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

John Reagan,

Reg 224

UNCLAIMED

Mr Reagan

RETURN TO WRITER.

Indian Territory.

739



Choc R 252 Cynthia L. Renfro

R252

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that the foregoing is a true and correct translation of
the original in Cherokee, and is true and correct translation of
the original in English.

McDonnell

Commissioner to the Five Civilized Tribes.

Durant, Indian Territory.

In the application of Cynthia L. Renfrow for enrollment as a
Choctaw being sworn and examined by COMR McKennon she stated:

Q What is your name? A Cynthia L. Renfrow.

Q How old are you? A Fifty-five.

Q You have never been enrolled on the Choctaw rolls? A No sir.

Q Was your mother or father enrolled on the Choctaw rolls in the
Choctaw Nation? A I suppose my mother was.

Q Did she live here in the Choctaw Nation? A She lived in
the Far back Nation and in Tennessee about '41, 2 and 3; she lived
in Mississippi; my mother never lived here.

Q Where have you been living? A Here in this nation.

Q When did you first come to the Choctaw Nation? A When I
was small, I came here about '50 I suppose.

Q How long did you stay here? A I staid here some few years
and then we went to Arkansas.

Q How long did you stay there? A Ten years.

Q Where did you go from there? A We came back to the Terri-
tory again.

Q How long did you stay here? A About four years, and in
1861 we went to Texas.

Q How long did you live there? A We lived there through the
war.

Q When did you come back from there here? A In 1865.

Q How long did you stay here then? A We staid here about
four years.

Q Where did you go to then? A I suppose we staid in the Na-
tion, but not in the same place.

Q Where did you go to after you left the Nation here? A To
Texas.

Q How long did you stay there then? A Just a few months.

Cynthia L. Reader and

and came back to the Territory. I have lived all around in the
Territory.

Com'r McKenna Enrollment is refused.

Department of the Interior

Commissary to the Territory
I hereby certify that the enrollment of
Cynthia L. Reader as a homestead
transcript is a true, full and correct transcript
of the original notes.

McKenna

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Colbert, Indian Territory, June 18, 1900

In the matter of the application for the enrollment of Cynthia Louisa Renfro, for herself, her minor child and her minor grand child, as citizens by blood of the Choctaw Nation. Cynthia Louisa Renfro being first duly sworn by Acting Chairman, Bixby, testified as follows:

Q What is your name? A Cynthia Louisa Renfro.
A How old are you? A Born February, 1844.
A What is your postoffice address? A Veedville, I. T.
Q Do you live there? A I live north of the Wishita.
Q Are you a Choctaw? A I was raised and taught that.
Q Do you claim as a Choctaw by blood. A Yes sir, by blood.
Q What is the name of your father? A Abel Lee.
Q Is he living? A No sir.
Q Was he an Indian? A No sir.
Q What is your mother's name? A Cynthia Lee.
Q Is she living? A No sir.
Q Was she an Indian? A Yes sir.
Q How much Indian blood did she claim to have? A She called herself one quarter.
Q And how much Indian blood do you claim? A One eighth.
Q Was your name ever on any of the Choctaw tribal rolls? A No sir.
Q Was she ever recognized by the Choctaw tribal authorities? A I don't know.
Q Is your name on any of the Choctaw tribal rolls? A No sir, not that I know of.
Q In what county and district did your mother belong? A I can't tell you.
Q Have you any knowledge of the tribal government of the Choctaw Nation? A No sir.
Q How long have you lived in the Indian Territory. A 18 years.
Q Have you lived here continuously for the past 18 years? A No sir, been out and in, like the other people.
Q What do you mean by being out and in? A Well, I was sometimes in the Territory and sometimes in Arkansas and then in the Territory.
Q How long did you visit away from the Territory? A One year, 18 months, etc.
Q Have you been outside of the Territory within the past three years? A I am out about every other day.
Q I mean have you been outside of the Territory for the purpose of making your home; have you been out of the Territory for any length of time within the last three years? A No sir.
Q You claim that your home has been in this part of the Indian Territory for the past three years? A Yes sir.
Q Have you ever been enrolled by any of the Choctaw tribal authorities. A No sir, I have not.
Q Did you ever apply to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir, I could not get to go.
Q Did you ever apply to the Commission to the Five Civilized Tribes under the Act of Congress, of June 18, 1896 for citizenship in the Choctaw Nation? A No sir, I did not.
Q Are you married? A Yes sir.
Q What is your husband's name. A William J. Renfro.
Q Under what law were you married? A Texas law.
Q Where were you living when you were married? Johnson county, Texas.
Q You do not claim anything for your husband? A No sir.
Q Have you any children? A Yes sir.
Q Give the names of these children who are under 21 years of age and unmarried? A William James Renfro aged 18 and Jesse Dial aged 14 he is my grand child. W

Cynthia Louisa Rourke -2-

Q What is his mother's name? A Belle Russell.

Q What is his father's name? Byron Dial.

Q These children are living with you and are in your custody at this time are they? A Yes sir.

Q You have always had charge of them? A Yes sir.

Q Are there any additional statements that you desire to make at this time? A No sir, I supposed you would want to know the name of my mother and the name of my grand mother.

Q You may make any statements that you desire to make? (No answer)

Q Are there any papers that you desire to file? A I have none.

The decision of the Commission in the matter of the application for enrollment which you make for yourself and for the enrollment of your child and your grand child, as citizens by blood of the Choctaw Nation will be mailed to you in writing in the near future at your present postoffice address by this Commission.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 14 day of Aug, 1900.

A. McElrath
Acting Chairman.

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.

In the matter of the application of Cynthia L. Renfre for the enrollment of herself, her minor child, William James Renfre, and her minor grandchild, Jesse Dial, as citizens by blood of the Chester Nation.

DECISION

The record in this case shows that the applicant, Cynthia L. Renfre, appeared before the Commission, at Durant, Indian Territory, at its session beginning August 14, 1899, and ending August 18, 1899, and then and there made personal application for the enrollment of herself as a citizen by blood of the Chester Nation, and that thereafter, on June 18, 1900, she again appeared before the Commission at Colbert, Indian Territory, and renewed her application, and made application for the enrollment of her minor child, William James Renfre, and her minor grandchild, Jesse Dial, as citizens by blood of the Chester Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Che-

(3).

the Nation in the possession of the Commission, that the applicants have never been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that these applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the twenty-first section of the act of June 23, 1894, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant was, on the 18th day of February, 1908, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right for herself, her minor child, and her minor grandchild, as identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

(3).

The act of Congress of June 28, 1898, (30 Stats., 495)

provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Cheetaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221),

provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Cynthia L. Renfro, William James Renfro, and Jesse Dial, are not lawfully entitled to be enrolled as members of the Cheetaw Tribe of Indians in Indian Territory, and that their application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskogee, Indian Territory

MAY -9 1902


Commissioner.

Chester B-252.

COPY.

Washington, Indian Territory, May 9, 1908.

Cynthia L. Renfro,
Needville, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself, your minor child, William James Renfro, and your minor grandchild, James Dial, as citizens by blood of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge

1 enclosure,
Chester B-252.
Registered.

Chester 2-252.

COPY.

Mustang, Indian Territory, May 2, 1902.

Hansfield, McHurray & Cornish,

Attorneys for the Cheatew and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Cynthia L. Renfro, her minor child, William James Renfro, and her minor grandchild, Jesse Bial, as citizens by blood of the Cheatew Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 enclosure.
Chester 2-252.

COPY.

Muskogee, Indian Territory, May 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application made by Cynthia L. Renfro for the enrollment of herself, her minor child, William James Renfro, and her minor grandchild, Jesse Dial, as citizens by blood of the Choctaw Nation, including the decision of the Commission dated May 6, 1902, refusing the application for the enrollment of Cynthia L. Renfro, her minor child, William James Renfro, and her minor grandchild, Jesse Dial, as citizens by blood of said nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 enclosure.
Choctaw R-262.

Through the Commissioner
of Indian Affairs.

Land.
29,240-1902.

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs,

Washington, May 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, therewith, the record and testimony in the matter of the application of Cynthia L. Renfro for the enrollment of herself, her minor child, William James Renfro, and her minor grandchild, Jesse Dial, as citizens by blood of the Choctaw Nation.

From the record it appears that the applicants do not claim as Mississippi Choctaws and further that none of said applicants have ever been enrolled, admitted or recognized as Choctaw citizens.

It is the opinion of this office that under the existing laws the Commission was without authority to enroll said applicants.

I therefore concur in the decision of the Commission refusing enrollment and respectfully recommend that said decision be approved.

Very respectfully,

Your obedient servant,

A.C. Tonner,
Acting Commissioner,

(E.S.S.)
P.

COPY.

D. C. No. 10013

34085

DEPARTMENT OF THE INTERIOR.

Washington.

I.T. D3387-1902.
L.R.S.

June 9, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in matter of application for enrollment of Cynthia L. Renfro, her child William James Renfro, and her grandchild Jesse Dial, as citizens of the Choctaw Nation. You refused the application because the applicants have never been duly enrolled or admitted to citizenship in said nation. A copy of the Acting Commissioner's letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan,
Acting Secretary.
T.M.D.

COPY.

Chester B. 202.

Muskogee, Indian Territory June 23, 1902.

Cynthia L. Renfro,

Woodville, Indian Territory.

Dear Madam:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself, your child William James Renfro, and your grandchild Jesse Dial as citizens of the Cherokee Nation.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY.

Chester R. 252

Mustang, Indian Territory June 23, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Cynthia L. Renfro for the enrollment of herself, her child William James Renfro, and grandchild Jesse Dial, as citizens of the Chectaw Nation.

Yours truly,

T. B. Needles.

(SIGNED)

Commissioner in Charge.

Choctaw R 252

Muskogee, Indian Territory, May 12, 1902.

Cynthia Renfro,

Woodville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 30, 1902, and which was only received at this office on May 7, 1902, and evidently written in reply to our communication of February 18, 1902, in which you were advised that you would be permitted thirty days from that date within which to file affidavits alleging that you claim for yourself and your twosister children the right to identification as Mississippi Choctaws under the provision of the act of Congress of June 20, 1900.

My reply having been received to such communication, the Commission after the expiration of the thirty days' time designated in our letter of February 18, 1902, took up for consideration the right to enrollment of yourself and your two children as citizens of the Choctaw Nation and on May 9, 1902, found that you and your two children were not lawfully entitled to be enrolled as citizens of the Choctaw Nation and you were on that date furnished with a copy of the decision of the Commission.

If you now desire to make application for identification as Mississippi Choctaws entitled to rights in the Choctaw lands as beneficiaries under the provisions of the Fourteenth article

of the treaty of 1830 between the United States and the Choctaw Nation, you will be heard upon your personal appearance at the office of the Commission at Muskogee, Indian Territory, within thirty days from the date hereof.

Yours truly,

Acting Chairman.

Synthia L. Renfro 56.

1854. Woodville, Ind. Ter.

Father: Abel Lee: dead: - Non-citizen

Mother: Cynthia Lee: dead: 1/4 blood Choctaw

Husband: Wm. J. Renfro.

Children:

Wm. J. Renfro 18

Jesse Dial. 8.

Grand- Mother: Belle Russell.
child. Father: Cyron Dial

Choctaw by blood.

In the matter of the application
of Cynthia L. Renfro, et al., for
enrollment as citizens by blood
of the Choctaw Nation.

REFUSED. MAY -9 1902

**COPY OF DECISION FORWARDED
APPLICANT** MAY -9 1902

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.** MAY -9 1902

RECORD FORWARDED DEPARTMENT.
MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.** JUN 23, 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.** JUN 23 1902

Choc R253

James F. Riley

R253

Commission to the Five Civilized Tribes,

Washington, D.C., Nov. 14, 1894.

For the application of James F. Riley for enrollment as
a Choctaw; being sworn and examined by Comr. McKennon as states:

- Q What is your name? A James F. Riley.
Q How old are you? A Thirty-eight.
Q You claim Choctaw? A Yes sir.
Q Have ever you been on the Choctaw rolls? A No sir.
Q Your father and mother? A No sir.
Q Where are you from? A I was born in Alabama; I am from Mississippi.
Q When did you come from Mississippi? A Twenty-one years ago.
Q Where to? A To Arkansas.
Q When did you leave Arkansas and come to the Territory?
A In 1894.
Q Did you make application to the Dawes Commission in 1894?
A I did not.
Q Have you ever made application to the Choctaw Council?
A No sir.
Q You have been here all the while and never made application at all?
A No sir.
Q What degree of blood do you claim? A One-fourth.
Q What was your father? A He was a half.
Q What was your mother? A White woman.
Q Was your father ever here in the Territory? A No sir.

Comr. McKennon's enrollment is refused.

(Apparently white)

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, James F. Riley as
being a Choctaw, to whom Commissioner has
been referred in his full and correct statement of
my demographic notes.

M. D. McKennon

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James F. Riley for
enrollment as a citizen by blood of the Choctaw Nation.

DECISION

The record in this case shows that the applicant, James F. Riley, appeared before the Commission, at McAlester, Indian Territory, on November 14, 1899, and then and there made personal application for the enrollment of himself as a citizen by blood of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

(2).

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1898, (30 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 25, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 25, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such

(3).

intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 821) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that James P. Riley is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY -9 1902

Chapter E-253

COPY.

Wankarem, Indian Territory, May 8, 1906.

Mahaffie, Murray A. Corbish,

Attorney for the Cherokee and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission of the Five Civilized Tribes in the matter of the application for the enrollment of James F. Riley, as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the result.

Yours truly,

(Signed) *I. B. Needles*

Commissioner in Charge.

1 enclosed.
Chapter E-253.

COPY.

Waukegee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of the proceedings in the matter of the application of James F. Riley for enrollment as a citizen by blood of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of James F. Riley as a citizen by blood of said Nation.

Respectfully,

(SIGNED) *T. B. Needles*

Commissioner in Charge.

1 enclosure
Choctaw R 253.

Through the Commissioner
of Indian Affairs.

C O P Y

Land.
29,240-1902.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Washington, June 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of the application of James F. Riley for enrollment as a Choctaw citizen.

From the record and testimony it appears that this applicant was never enrolled, admitted or recognized as a Choctaw citizen.

It is the opinion of this office that under existing law the Commission was without authority to enroll said applicant. I therefore, respectfully recommend that the decision of the Commission refusing enrollment be approved.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

B. S. S.

L.

C O P Y

34073

D.C.No. 10006-1902.

F.

DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D.3494-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 9, 1902, you transmitted the record in the matter of application for enrollment of James F. Riley as a citizen of the Choctaw Nation. You refused the application because applicant has never been duly enrolled or admitted as a Choctaw citizen. Copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

Chop, R. 263.

COPY.

Muskogee, Indian Territory June 23, 1902.

James F. Riley,

McAlester, Indian Territory.

Dear Sir:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED)

T. B. Neepes.

Commissioner in Charge.

COPY.

Circular R. 233.

Muskogee, Indian Territory June 27, 1903.

Messrs. Mansfield, McMuray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1903, affirmed the decision of the Commission, dated May 9, 1903, refusing the application made by James P. Hilay for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED.

T. B. Needles

Commissioner in Charge.

121
121



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.



James F. Riley,

Muskeget,

Indian Territory

Unclaimed

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-253

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES:

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of }
James F. Riley for the enrollment }
of himself as a citizen by blood of }
the Choctaw Nation. }

To James F. Riley,

McAlester, Indian Territory,

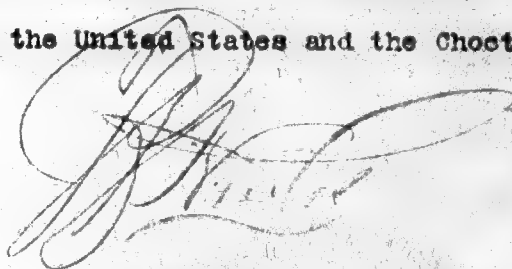
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the state of Mississippi

J. F. R., 2,

in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is positioned over the text of the document.

Commissioner in Charge.

Register.

283
268



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

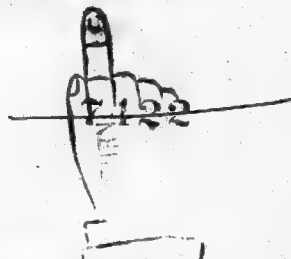
Penalty for private use, \$300.

James F. Riley,

~~McAlister.~~

Unclaimed

~~Indian Territory.~~



Wm O'Brien

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cheotaw R-253

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian territory, May 9, 1902.

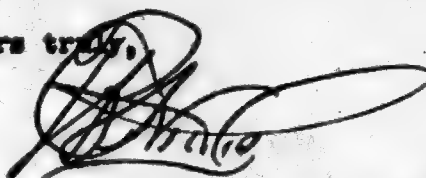
James F. Riley,
McAlester, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizens by blood of the Cheotaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure
Cheotaw R-253.
Registered.

CHOCTAW

In the matter of the application
of James F. Riley for enrollment as
citizen by blood of the Choctaw Na-
tion.

REFUSED MAY -9 1902

**COPY OF DECISION FORWARDED
APPLICANT** MAY -9 1902

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.** MAY -9 1902

RECORD FORWARDED DEPARTMENT.
MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.** JUN 23 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.** JUN 23 1902

Empty

Choc R255

Joseph Roberts

R255

Commission to the Five Civilized Tribes.
Photocopy certified upon my affidavit with the
monographer to above signed Certification, that this
document is a true, full and correct translation of
my stenographic notes.

Commission to the Five Civilized Tribes.

McAlester, I.T., Nov. 12, 1902.

In the application of Joseph Roberts for enrollment as a
Choctaw being sworn and examined by Com'r McKennon he states:

Q What is your name? A Joseph Roberts.

Q How old are you? A Forty-five.

Q You claim Choctaw? A Yes sir.

Q Are you on the Choctaw roll? A I was on in the spring.

Q When? A Last spring, in March.

Q Have you ever been on the Choctaw roll? A No sir, I never
have been.

Q Have your father and mother ever been on the roll? Here in the
Choctaw Nation? A My mother may have been, but I don't know
anything about it.

Q Where did she die? A She died in Crawford County Arkansas
three years ago; my home is in Crawford county, Arkansas now; I
work on the railroad; I have been working in the Territory, but
my family is living there in Arkansas. I was born and raised in
Arkansas, and never have lived in the Territory only to work there.

Q What degree of blood do you claim? A My father was a
white man; my mother's grand-father was a half-breed.

Q What was your grandmother, a white woman? A I don't know.

Q Do you mean your mother's grandfather by her father? A Yes sir.

Q Your father then was about one-fourth? A It was through my
mother.

Q Your mother's grandfather was a half-breed? A Yes sir, he
claimed to be a half-breed; that's what they told me.

Q It was through her father or her mother? A It is through
her father; he would be a quarter.

Q He would be a quarter, she would be one-eighth and you would
be one-sixteenth, is that right? A I guess so.

Q What did you ever hear that you had Indian blood in you?
A Never until last March.

Com'r McKennon Enrollment is refused. (Apparently white)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph Roberts for enrollment as a citizen by blood of the Choctaw Nation.

--: DECISION :--

The record in this case shows that on November 12, 1899, the applicant Joseph Roberts appeared before the Commission at McAlester, Indian Territory, and then and there made personal application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes

(2).

that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was on the 18th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

(3).

The act of Congress of May 31, 1900, (31 Stats., 221),
provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Joseph Roberts is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.


THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAY -9 1902

COPY.

Chester E-255.

McKague, Indian Territory, May 9, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Cheatew and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Joseph Roberts as a citizen by blood of the Cheatew Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Sec

(SIGNED) T. B. Needles.

Commissioner in Charge.

1 enclosure
Chester E-255.

COPY.

Waukegan, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Joseph Roberts for the enrollment of himself as a citizen by blood of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Joseph Roberts as a citizen by blood of said nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 enclosure
Choctaw R 255.

Through the Commissioner
of Indian Affairs.

C O P Y.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.


Land)
29240-1902)

Washington, May 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Joseph Roberts for enrollment as a citizen of the Choctaw Nation. The application was rejected by the Commission. 

It appears from the record and testimony transmitted that the applicant makes no claim as a Mississippi Choctaw; that he ~~never~~ was never enrolled, admitted or recognized as a Choctaw citizen and that he never even applied for citizenship prior to filing this application and further that he never was a resident of the Indian Territory.

It would therefore appear, that under the provisions of the act of Congress, approved May 31, 1900, the Commission had no authority to enroll said applicant.

I respectfully recommend that the decision of the Commission rejecting this application be approved.

Very respectfully,
Your obedient servant,
A C TONNER,
Acting Commissioner.

F.S.S.

L.

10027-1902.

C O P Y.
34091.

DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D.3286-1902.

June 9, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in the application for enrollment of Joseph Roberts as a citizen of the Choctaw Nation by blood - R 255.

It appears that the applicant has never been duly enrolled or admitted to citizenship in said nation; that he has never lived in Indian Territory; that he makes no claim as a Mississippi Choctaw. You refused the application.

The Acting Commissioner May 23, 1902, recommends approval of your decision. Copy of his letter is enclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

COPY.

Choc.R. 255.

Muskogee, Indian Territory June 23, 1902.

Joseph Roberts,

McAlester, Indian Territory.

Dear Sir:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw R. 256.

Muskogee, Indian Territory June 23, 1902.

Messrs. Mansfield, McKurray & Gernish,

Attorneys, for the Choctaw and Chickasaw Nations,

Smith McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Joseph Roberts, for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

MINED

T. B. Needles.

Commissioner in Charge.

23
121

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



2218

Joseph Roberts,

~~Collector,~~

~~Indian Territory~~

Unclaimed

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-255

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902

In the matter of the application of }
Joseph Roberts for the enrollment }
of himself as a citizen by blood of }
the Choctaw Nation. }

To Joseph Roberts,

McAlester, Indian Territory.

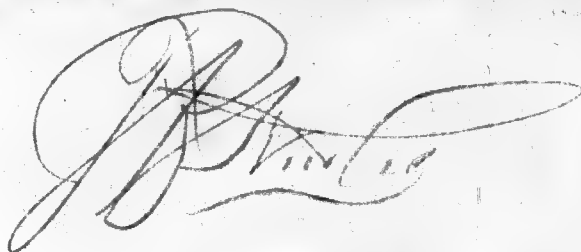
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under
the act of Congress of June 28, 1898, which provides as follows:)

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a
descendant of Choctaw Indians who resided in the state of Mississippi

J. R., 2.

in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge.

Commissioner in Charge.

Register.

282
268



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Joseph Roberts,

~~McAlester,~~

Unclaimed Indian Territory.



COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm 013

REPLY IN REPLY TO THE FOLLOWING

Choctaw R 255

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 9, 1902.

Joseph Roberts,

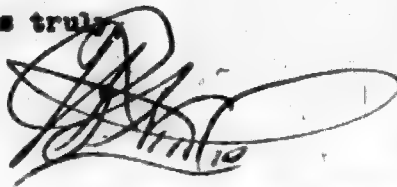
McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen by blood of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure
Choctaw R 255
Registered.

CHOCTAW

In the matter of the application
of Joseph Roberts for enrollment
citizen by blood of the Choctaw Na-
tion.

REFUSED. MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.
MAY -9 1902

RECORD FORWARDED DEPARTMENT.
MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

Empty

Empty

Empty

Choc R259 Alma Russell

R259

Department of the Interior
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

McKennon

Commission to the Five Civilized Tribes,

Tushkahomma, Indian Territory.

October 10, 1899.

In the application of Alma Russell for enrollment as an intermarried Choctaw; being sworn and examined by Com'r McKennon she testifies as follows:

- Q What is your name? A Alma Russell.
- Q How old are you? A Forty.
- Q You were intermarried with Jacob Russell? A Yes sir.
- Q Was he a Choctaw citizen? A He was intermarried citizen.
- Q He was a white man? A Yes sir.
- Q And he had intermarried with a Choctaw citizen? A Yes sir.
- Q Was she living or dead? A She is dead; she has been dead twenty-two years.
- Q Did he live with her until she died? A Yes sir.
- Q And after ^{she} ~~he~~ died, he married you? A Yes sir, eight years ago.
- Q Where? A In Saint Louis.
- Q Did you move with him to the Choctaw Nation? A He was living here; he came here after the war and was always a citizen of the Choctaw Nation.
- Q Did you live with him in the Choctaw Nation? A Yes sir.
- Q Where? A At Spiro.
- Q You remained there yourself did you? A Yes sir.
- Q How long? A Eight years.
- Q What is your post-office address? A Spiro.

Com'r McKennon: Upon this state of facts the commission cannot enroll you; the commission holds that you are not entitled to enrollment.

1. The purpose of the Association of Young Businessmen is to provide a place for the education of young men in the principles of business and to provide a place for the education of young men in the principles of business.

on behalf of the Government

the case of Joshua Hickie, et al., vs. Chockaw and Chickasaw Nations, that the decision in this case be postponed until the decision of the Chockaw and Chickasaw Nations is confirmed by the Supreme Court in the case of Chockaw and Chickasaw Nations vs. Hickie, et al., as the Chockaw and Chickasaw Nations are not parties to this case.

[illegible]

СНТ

904

in. mi. tyro

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen of the Choctaw Nation of Alma Russell, Choctaw Field No. R-259.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Manfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

RECEIVED

ON THIS DAY OF THE MONTH OF JUNE 1904 DEPOSITED IN THE OFFICE OF THE

RECORDS OF THE TERRITORY OF INDIAN TERRITORY

THE FOLLOWING CITIZENSHIP

AND THE NAME OF THE CITIZEN

WHO HAS BEEN

RECORDED IN THE

OFFICE OF THE

RECORDS OF THE

TERRITORY OF INDIAN

TERRITORY

AND THE NAME OF THE

CITIZEN WHO HAS BEEN

RECORDED IN THE

OFFICE OF THE

Affidavit of
Ex. Judge
Jno. Taylor
and
Ed Lanier
in case of claim of
Mrs Alma Russell

Department of the Interior,
Received
Jun 24 1904

Enc. No. 2 of No. 5123
Indian Territory Division.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Jul 13 1904

Tams Birby,
Chairman.

AFFIDAVIT

On this 28th day of June 1904 personally appeared before me the Mayor of the Town of Spiro, Choctaw Nation, Ind. Terr. the following named Choctaw citizens, to me well known and entitled to full credit to wit:

John Taylor, Ex Judge, Scullyville Co. I. T. and Ed. Lanier Ex, Judge Scullyville Co. I. T. residents of Spiro I. T. who being duly sworn depose and say:

We have known Jacob Russell, now deceased, of Spiro P.O. Ind. Terr the husband of Mrs Alma Russell of said Town for 40 years and positively know, that he is the identical Jacob Russell whose name appears on the Choctaw rolls, that he was an intermarried citizen of the Choctaw Nation I.T. and was always recognized as such citizen by the Choctaw authorities and the people for nearly forty years. We further state that said Jacob Russell was married to his first Choctaw wife about the year 1864, that she bore him three children now living, and died Septbr 8th 1877; that said Jacob Russell was legally married to Mrs Alma Russell nee Miss Alma Poppe on the 23rd of October 1891 and that his death occurred on the 31st day of January 1899.

We furthermore state, that Mrs Alma Russell has not married again and is still Jacob Russell's widow, that she has no children by him and has since her marriage with Jacob Russell continually resided in the Choctaw Nation I.T and lives at present in Spiro I.T.

John Taylor P.M. Spiro, I.T.
Ed Lanier

Sworn and subscribed before me this 28th day of June 1904

J H Windsor

Mayor

S E A L

Spiro I.T.

Marriage Certificate
of
Jacob Russell
and
Alma Russell
nee Alma Poppe

Department of the Interior,
Received
June 24, 1904
Enc. No. 1 of No. 5123
Indian Territory Division.

Department of the Interior,
Commission to the Five
Civilized Tribes.
Filed Jul. 13, 1904

James Dixby,
Chairman.
St. Louis, Mo. June 13, 1904.

This is to certify that Mrs. Alma Russell (nee Alma Poppe), now residing at Spiro, I. T., was legally married to Jacob Russell on the 23rd day of October 1891, by the Rev. Geo. A. Hoffmann, pastor of St. Henry's Church, at St. Louis, Mo., in presence of Charles H. and Matilda Hark as witnesses. The marriage is recorded in

stated and certified
to
the undersigned
that
the same was
done

and the same was
done
and the same was
done

and the same was
done
and the same was
done

St. Henry's Church,
St. Louis, Mo. June 15th, 1899.

This is to certify that Mrs. Alma Russell, (nee Alma Poppe), now residing at Spiro, Ind., was legally married to Jacob Russell on the 23rd day of October 1891, by the Rev. Jno. A. Hoffmann, pastor of St. Henry's Church, at St. Louis, Mo., in presence of Charles Hang and Mathilda Hang as witnesses. The marriage is recorded in the archives of St. Henry's Church.

Respectfully

Joseph A. Euberley
Acting Pastor of St. Henry's Church

7-R-259.

COPY

Muskogee, Indian Territory, April 28, 1906.

J. O. Ball,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for the enrollment of Alma Russell as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*
Commissioner.

Registered.

Incl. 7-R-259.

COPY

7-R-259.

Muskogee, Indian Territory, April 28, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for the enrollment of Alma Russell as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Birby*

Commissioner.

Incl. 7-R-259.

COPY

Muskogee, Indian Territory, April 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Alma Russell as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated April 23, 1906, denying said application.

Respectfully,

SIGNED *Tams Bixby*
Commissioner.

2 Incl. 7-R-259.

Through the Commissioner
of Indian Affairs.

G.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

D.C. 20712
I.T.D. 8852-1906.

May 22, 1906.

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the approved opinion of the Assistant Attorney-General for this Department of January 28, 1905, in the matter of the application of Emma McMenamin for her enrollment as an intermarried citizen of the Choctaw Nation, your decision of April 28, 1906, denying the application of Alma Russell for her enrollment as an intermarried citizen of the Choctaw Nation is hereby affirmed.

A copy of the Indian Office letter of May 16, 1906, relative thereto, is inclosed.

Respectfully,

Jesse B. Wilson,

Assistant Secretary.

1 inclosure.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND

38932-1906.

May 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated April 28, 1906, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by Alma Russell.

April 28, 1906 the Commissioner decided adversely to the applicant.

The record shows that the applicant was married October 23, 1891 to Jacob Russell, (now deceased) a white man, who is alleged to have been a citizen by intermarriage of the Choctaw Nation. It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal.

In view of the record and of the decision in the case of Emma McMenamin (ITD 11582-04) the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

MMH

C. F. Larrabee

C

Acting Commissioner.

7-R-259

Muskogee, Indian Territory, July 2, 1906

Alma Russell,

Spiro, Indian Territory.

Copy

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of May 22, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED *Tams Bixby*
Commissioner.

7-R-259

Muskogee, Indian Territory, July 2, 1906.

COPY.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of May 22, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, denying the application for the enrollment of Alma Russell as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby
Commissioner.

7-R-259

Muskogee, Indian Territory, July 2, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of May 22, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, denying the application for the enrollment of Alma Russell as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Jame Blosby
Commissioner.

CB-17

Communication from
H. S. Judge to H. H. Clayton
to
Mrs. Jacob (also) Russell

Department of the Interior
RECEIVED
MAY 5 1906
Enc. No. 1 of No. 1945
Indian Territory Division

Department of the Interior,
RECEIVED
JUN 24 1904
Enc. No. 2 of No. 5123
Indian Territory Division.

Department of the Interior
RECEIVED
MAR 3 1906
Enc. No. 1 of No. 2715
Indian Territory Division

CB-17

United States Court in the Indian Territory,
Central District.

Wm. H. H. CLAYTON,
Judge.

South McAlester, Ind. Ter.,

June 25, 1899.

Mrs. Jake Russell,
Spiro, I.T.

My dear madam:

Your favor of June 20, relating to your application to the Dawes Commission for enrollment, is duly received. My decision in the Grady case is to the effect that if a white man marry a Choctaw woman in accordance with the Choctaw laws, that makes him a Choctaw citizen. If his Indian wife afterward dies, ~~if~~ he still remains a citizen, and if he marry a white woman, he does not lose his citizenship, but he and his wife and their children remain citizens, but if he should then die, and his wife marry a white man, she would then lose her citizenship. If Jake Russell, your former husband, was a citizen ~~and~~ of the Choctaw Nation, either by marriage or adoption; and you are still his widow, in accordance with my decision, you are a Choctaw citizen.

But notwithstanding this fact, if the Dawes Commission refuses to put you upon the rolls, it is a matter over which I have no control.

Very respectfully,

Wm. H. H. Clayton

No. 343

Year 1901

Amount 50

Permit of

E. Johnson

Employed by

Mrs. J. Russell

Capacity

Furnace

Renewed for the year 190... this the

day of

190...

Attest:

COUNTY JUDGE

COUNTY CLERK.

Department of the Interior
RECEIVED

MAY 5 1906

Enc. No. 12 of No. 1945
Indian Territory Division



Scullyville County Choctaw Nation...

Know All Men by these Presents:

THAT, Whereas, Mrs Jacob Russell.

a citizen of the Choctaw Nation, has this day petitioned, according to the form of the Statutes in such cases made and provided, asking that a Permit be granted to.....

_____ a citizen of the
United States, to remain in his employ in the capacity of a _____

_____ for the year 190/. and it appearing from said petition that the party mentioned therein has no more stock than is allowed non-citizens in the Choctaw Nation, and, whereas, said application has been duly granted by the Hon. County Judge of Skullyville County.

NOW THEREFORE, I, the undersigned County Clerk of Skullyville County, by virtue of the authority in me vested by the laws of the Choctaw Nation, and in accordance with the above-mentioned application, do this day hereby grant unto the within-mentioned E. J. Johnson

a Permit to remain in the Choctaw Nation and engage in the business of _____
Farming
 _____ in the capacity of the
 aforesaid *Mrs Jacob Russell*

PROVIDED, however, that nothing in the foregoing Permit shall be so construed as to prevent its being revoked by proper authorities upon good and lawful cause, duly sworn.

Given under my hand and seal this 12
day of Jul 1901

Louis Repton
County Clerk of Skullville County, Choctaw Nation.

By R.B. Moore County 1st

No 344

Year 1901

Amount 50

Permit of Maryon Foyl

Employed by Mrs Gust Reese

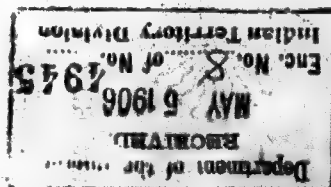
Capacity Fuel

Renewed for the year 190... this the

day of 190...

Attest: COUNTY JUDGE

COUNTY CLERK.





Scullyville County Choctaw Nation....

Know All Men by these Presents:

THAT, Whereas, Mrs Jacot Russell,

a citizen of the Choctaw Nation, has this day petitioned, according to the form of the Statutes in such cases made and provided, asking that a Permit be granted to.....

Marion Foyil a citizen of the United States, to remain in his employ in the capacity of a Fanner

for the year 190/. and it appearing from said petition that the party mentioned therein has no more stock than is allowed non-citizens in the Choctaw Nation, and, whereas, said application has been duly granted by the Hon. County Judge of Skullyville County.

NOW THEREFORE, I, the undersigned County Clerk of Skullyville County, by virtue of the authority in me vested by the laws of the Choctaw Nation, and in accordance with the above-mentioned application, do this day hereby grant unto the within-mentioned Marion Foyil

a Permit to remain in the Choctaw Nation and engage in the business of Fanning in the capacity of the aforesaid Mrs Russell

PROVIDED, however, that nothing in the foregoing Permit shall be so construed as to prevent its being revoked by proper authorities upon good and lawful cause, duly sworn.

Given under my hand and seal this 12 day of Dec 190/

By M B Moore Louis Repton
County Clerk of Skullyville County, Choctaw Nation.

No. 206

Year 1899

Amount 500

Permit of William Foyl

Employed by Mrs Jacob Russell

Capacity Farming

Renewed for the year 189. this the

day of 189.

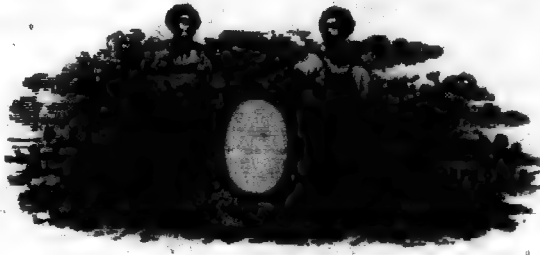
COUNTY JUDGE

Attest :

COUNTY CLERK

Department of the Interior
RECEIVED
MAY 5 1906
Enc. No. 10 of No. 1945
Indian Territory Division

Skullyville County, Choctaw Nation



Know All Men by these Presents :

THAT, Whereas, Mrs Jacob Russell
a citizen of the Choctaw Nation, has this day petitioned, according to the form of the Statutes in such cases made and provided, asking that a Permit be granted to

Marion Foyl a citizen of the
United States, to remain in his employ in the capacity of a

Farming for the year 1899 and it appearing from said petition that the party mentioned therein has no more stock than is allowed non-citizens in the Choctaw Nation, and, whereas, said application has been duly granted by the Hon. County Judge of Skullyville County.

Now, therefore, I, the undersigned County Clerk of Skullyville County, by virtue of the authority in me vested by the laws of the Choctaw Nation, and in accordance with the above-mentioned application, do this day hereby grant unto the within-mentioned

Marion Foyl a Permit to remain in the Choctaw Nation and engage in the business of Farming

in the capacity of the aforesaid Mrs Jacob Russell

PROVIDED, however, that nothing in the foregoing Permit shall be so construed as to prevent its being revoked by the proper authorities upon good and lawful cause duly sworn.

Given under my hand and seal this 16th

day of January

1901

Hilbert L. Henderson
County Clerk of Skullyville County, Choctaw Nation.

No. 407

Year 1899

Amount 0-00

Permit of Mrs H. Hill

Employed by Mrs Jacob Russell

Capacity Plowing

Renewed for the year 189 this the

day of 189

COUNTY JUDGE

Attest :

COUNTY CLERK

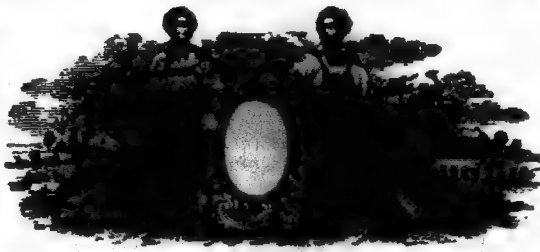
Department of

RECEIVED

MAY 5 1906

Enc. No. // of No 1845
Indian Territory

Skullyville County, Choctaw Nation



Know All Men by these Presents :

THAT, Whereas, Mrs Jacob Russell
a citizen of the Choctaw Nation, has this day petitioned, according to the form of the Statutes in such cases made and provided, asking that a Permit be granted to

Mrs H. Hill a citizen of the
United States, to remain in his employ in the capacity of a

Fanner for the year 1892 and it appearing from said petition that the party mentioned therein has no more stock than is allowed non-citizens in the Choctaw Nation, and, whereas, said application has been duly granted by the Hon. County Judge of Skullyville County.

Now, therefore, I, the undersigned County Clerk of Skullyville County, by virtue of the authority in me vested by the laws of the Choctaw Nation, and in accordance with the above-mentioned application, do this day hereby grant unto the within-mentioned

Mr H. Hill a Permit to remain in the Choctaw Nation and engage in the business of Fanning
in the capacity of the aforesaid Mrs Jacob Russell

PROVIDED, however, that nothing in the foregoing Permit shall be so construed as to prevent its being revoked by the proper authorities upon good and lawful cause duly sworn.

Given under my hand and seal this 16th

day of January

Wilson E. Henderson
County Clerk of Skullyville County, Choctaw Nation.

Department of the Interior
RECEIVED
MAY 5 1906
Enc. No. 9 of No. 4945
Indian Territory Division.

No. 346

Year 1900

Amount 500

Permit of J. L. Anderson

Employed by M. J. Russell

Capacity Farming

Renewed for the year 189 this the

day of 189

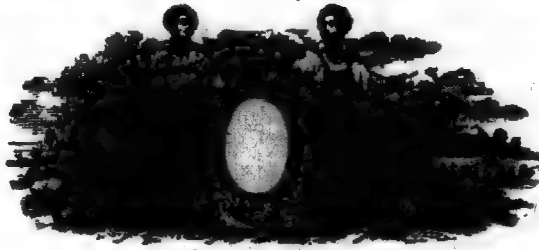
COUNTY JUDGE

Attest :

COUNTY CLERK

Department of the Interior,
RECEIVED
JUN 24 1904
6 5123
Indian Territory Division.

Skullyville County, Choctaw Nation



Know All Men by these Presents :

THAT, Whereas,

Mrs Jacob Russell

a citizen of the Choctaw Nation, has this day petitioned, according to the form of the Statutes in such cases made and provided, asking that a Permit be granted to

J Johnson

a citizen of the

United States, to remain in his employ in the capacity of a

Farming

for the year *1890* and it appearing

from said petition that the party mentioned therein has no more stock than is allowed non-citizens in the Choctaw Nation, and, whereas, said application has been duly granted by the Hon. County Judge of Skullyville County.

Now, therefore, I, the undersigned County Clerk of Skullyville County, by virtue of the authority in me vested by the laws of the Choctaw Nation, and in accordance with the above-mentioned application, do this day hereby grant unto the within-mentioned

J Johnson

a Permit to remain in the Choctaw Nation and

engage in the business of

Farming

in the capacity of the aforesaid

Mrs Jacob Russell

PROVIDED, however, that nothing in the foregoing Permit shall be so construed as to prevent its being revoked by the proper authorities upon good and lawful cause duly sworn.

Given under my hand and seal this *20th*

day of *December*

1890

William L. Henderson

County Clerk of Skullyville County, Choctaw Nation.

No. 403-

Year 1899

Amount 5.00

Permit of Benny Patis

Employed by Mrs Jacob Russell

Capacity Farming

Renewed for the year 189 this the

day of 189

COUNTY JUDGE

Attest:

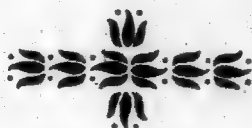
COUNTY CLERK

Department of the Interior
RECEIVED.

MAY 5 1906

Enc. No. 7 of No. 4945
Indian Territory Division.

Skullyville County, Choctaw Nation



Know All Men by these Presents :

THAT, Whereas, Mrs Jacob Russell
a citizen of the Choctaw Nation, has this day petitioned, according to the form of the Statutes in such
cases made and provided, asking that a Permit be granted to

Borg Petit a citizen of the
United States, to remain in his employ in the capacity of a

Farming for the year 1891 and it appearing
from said petition that the party mentioned therein has no more stock than is allowed non-citizens in
the Choctaw Nation, and, whereas, said application has been duly granted by the Hon. County Judge
of Skullyville County.

Now, therefore, I, the undersigned County Clerk of Skullyville County, by virtue of the authority
in me vested by the laws of the Choctaw Nation, and in accordance with the above-mentioned
application, do this day hereby grant unto the within-mentioned

Borg Petit a Permit to remain in the Choctaw Nation and
engage in the business of Farming
in the capacity of the aforesaid Mrs Jacob Russell

PROVIDED, however, that nothing in the foregoing Permit shall
be so construed as to prevent its being revoked by the
proper authorities upon good and lawful cause duly sworn.

Given under my hand and seal this 16th

day of January

1891

Wilson L. Anderson
County Clerk of Skullyville County, Choctaw Nation.

No. 347

Year 1900

Amount 5-00

Permit of W. J. T.

Employed by Mrs. Jacob Russell

Capacity Farming

Renewed for the year 189... this the

day of 189...

COUNTY JUDGE

Attest :

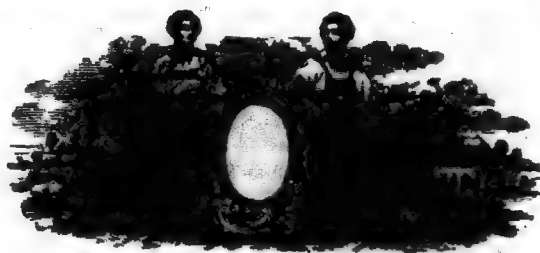
COUNTY CLERK

Department of the Interior
RECEIVED.

MAY 5 1906

Enc. No. 6 of No. 4945
Indian Territory Division.

Skullyville County, Choctaw Nation



Know All Men by these Presents :

THAT, Whereas, Mrs Jacob Russell

a citizen of the Choctaw Nation, has this day petitioned, according to the form of the Statutes in such cases made and provided, asking that a Permit be granted to

M Foul

a citizen of the

United States, to remain in his employ in the capacity of a

Farming

for the year ¹⁹⁰⁰~~189~~ and it appearing

from said petition that the party mentioned therein has no more stock than is allowed non-citizens in the Choctaw Nation, and, whereas, said application has been duly granted by the Hon. County Judge of Skullyville County.

Now, therefore, I, the undersigned County Clerk of Skullyville County, by virtue of the authority in me vested by the laws of the Choctaw Nation, and in accordance with the above-mentioned application, do this day hereby grant unto the within-mentioned

M Foul

a Permit to remain in the Choctaw Nation and

engage in the business of Farming

in the capacity of the aforesaid

Mrs Jacob Russell

PROVIDED, however, that nothing in the foregoing Permit shall be so construed as to prevent its being revoked by the proper authorities upon good and lawful cause duly sworn.

Given under my hand and seal this 30 ~~th~~

day of December

1900
~~189~~

Wilson L. Henderson

County Clerk of Skullyville County, Choctaw Nation.

No. *743-*

Year *1900*

Amount *500*

Permit of *B. Pelit*

Employed by *Mrs. Jacob Russell*

Capacity *Farming*

Renewed for the year 189 this the

day of 189

COUNTY JUDGE

Attest:

COUNTY CLERK

Department of the Interior.
RECEIVED.
MAY 5 1906
Enc. No. *5* of No. *1945*
Indian Territory Division.

Skullyville County, Choctaw Nation



Know All Men by these Presents :

THAT, Whereas, Mrs Jacob Russell
a citizen of the Choctaw Nation, has this day petitioned, according to the form of the Statutes in such cases made and provided, asking that a Permit be granted to _____

B. Pelit _____ a citizen of the
United States, to remain in his employ in the capacity of a _____

Farming _____ for the year 1900 and it appearing
from said petition that the party mentioned therein has no more stock than is allowed non-citizens in the Choctaw Nation, and, whereas, said application has been duly granted by the Hon. County Judge of Skullyville County.

Now, therefore, I, the undersigned County Clerk of Skullyville County, by virtue of the authority in me vested by the laws of the Choctaw Nation, and in accordance with the above-mentioned application, do this day hereby grant unto the within-mentioned _____

B. Pelit _____ a Permit to remain in the Choctaw Nation and
engage in the business of Farming
in the capacity of the aforesaid Mrs Jacob Russell

PROVIDED, however, that nothing in the foregoing Permit shall
be so construed as to prevent its being revoked by the
proper authorities upon good and lawful cause duly sworn.

Given under my hand and seal this 21th
day of December 1900

Wilson L. Henderson
County Clerk of Skullyville County, Choctaw Nation.

No 414

Year 1899

Amount 500

Permit of Tom Adams

Employed by Mrs Jacob Russell

Capacity Farming

Renewed for the year 189... this the
day of 189...

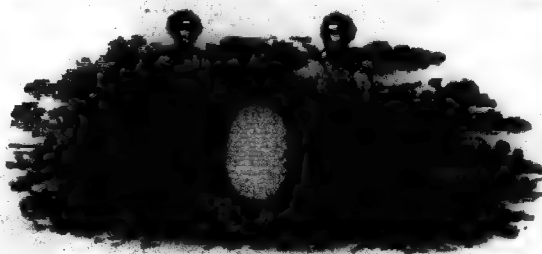
COUNTY JUDGE

Attest :

COUNTY CLERK

Department of the Interior.
RECEIVED.
MAY 5 1906
Enc. No. 4 of No. 945
Indian Territory Division.

Skullyville County, Choctaw Nation



Know All Men by these Presents :

THAT, Whereas,

Mrs Jacob Russell

a citizen of the Choctaw Nation, has this day petitioned, according to the form of the Statutes in such cases made and provided, asking that a Permit be granted to

Tom Adam

a citizen of the

United States, to remain in his employ in the capacity of a

Fanning

for the year 1897 and it appearing

from said petition that the party mentioned therein has no more stock than is allowed non-citizens in the Choctaw Nation, and, whereas, said application has been duly granted by the Hon. County Judge of Skullyville County.

Now, therefore, I, the undersigned County Clerk of Skullyville County, by virtue of the authority in me vested by the laws of the Choctaw Nation, and in accordance with the above-mentioned application, do this day hereby grant unto the within-mentioned

Tom Adam

a Permit to remain in the Choctaw Nation and

engage in the business of

Fanning

in the capacity of the aforesaid

Mrs Jacob Russell

PROVIDED, however, that nothing in the foregoing Permit shall be so construed as to prevent its being revoked by the proper authorities upon good and lawful cause duly sworn.

Given under my hand and seal this 16th

day of January

1901

Wilson L. Anderson
County Clerk of Skullyville County, Choctaw Nation.

REFER IN REPLY TO THE FOLLOWING

7-R-259.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1906.

Alma Russell,

Spiro, Indian Territory.

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 7-R-259.

Department of the Interior

RECEIVED

MAY 6 1906

Enc. No. 2/ of No. 1945

Indian Territory Division.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Alma Russell as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on October 10, 1899, Alma Russell appeared before the Commission to the Five Civilized Tribes at Tushkahewma, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

It further appears from the record herein that said applicant claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on October 23, 1891 to Jacob Russell (now deceased), a white man, who is alleged to have been a citizen by intermarriage of the Choctaw Nation.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw citizenship by any duly constituted Court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 521).

I am therefore of the opinion that following the ruling of the Department in the case of Emma McManis (I.T.D. 11582-1904) the application made for the enrollment of Alma Russell as a citizen by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 23, 1896, (30 Stats., 495), and it is so ordered.

SIGNED *Taino Dixby*

Commissioner.

Muskogee, Indian Territory,

APR 2. 1906

Muskegee, Indian Territory, November 23, 1900.

Mrs. Jacob Russell,

Spire, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 18th of November in which you desire that the Commission inform you of a day and place that you may appear in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, and in which you further state that you have previously appeared before the Commission at two of its appointments at Spiro and at Tushkahomma.

You are informed that the records of this Commission show that Alma Russell, 40 years of age, of Spiro, Indian Territory, appeared before this Commission at Tushkahomma, Indian Territory, October the 10th, 1899 and made application for enrollment as an intermarried citizen of the Choctaw Nation, claiming her rights as such intermarried citizen by virtue of her marriage to Jacob Russell who was not a citizen by blood but a white man who had intermarried with a Choctaw woman and he had thus become an intermarried citizen of the Choctaw Nation.

The Commission upon this statement of the facts and considering your testimony at that time refused your application for enrollment as an intermarried citizen of the Choctaw Nation for the reason that you were a white woman and intermarried with a white man having no rights to Indian citizenship by blood.

Mrs. JR 2

If, however, you desire to again appear before the Commission and give further testimony in support of your application for enrollment as an intermarried citizen of the Chectaw Nation, the Commission will hear you at its office in Muskogee at any time prior to the forwarding of the final rolls of citizens of the Chectaw Nation to the Secretary of the Interior for his approval. During the month of December next the Commission will set be in Muskogee, for the purpose of hearing applications for enrollment as citizens of the Chectaw Nation.

Yours truly,

Acting Chairman.

7-R-259

Choctaw R 259

Muskogee, Indian Territory, February 10, 1904.

Alma Russell,

Spiro, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 17, 1904.

J. G. Ralls,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 10, in which you ask if Mrs. Alma Russell, widow of Jacob Russell, is listed for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Alma Russell for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case, you and the applicant will be notified of the action taken therein.

Respectfully,

Chairman.

7-12-259

Muskogee, Indian Territory, July 14, 1904.

Mrs. Alma Russell,

Spire, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 4th, enclosing petition for permit of Mrs. Jacob Russell and certificate of Joseph F. Luberly to the marriage of Mrs. Alma Russell and Jacob Russell on October 23, 1891 and joint affidavit of John Taylor and Ed. Lanier, which you offer in support of your application for enrollment as a citizen of the Choctaw Nation; the same have been filed with the record in this case. When a decision is reached in this case, you will be notified of the action taken.

Respectfully,

Chairman.

7-R-259

Muskogee, Indian Territory, December 3, 1904.

Mrs. Alma Russell,

Spiro, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 30, 1904, asking if a certain letter addressed to Eva Russell advising her of the approval of her enrollment as an intermarried citizen of the Choctaw Nation should not have been addressed to you as you say no person by the name of Eva Russell receives mail at the post-office at Spiro, Indian Territory.

In reply to your letter you are informed that the letter referred to should have been addressed to Dora Russell, Spiro, Indian Territory.

You are further informed that the Commission has not yet passed upon your enrollment as a citizen of the Choctaw Nation but as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Chairman.

7-R-259

Muskogee, Indian Territory, December 6, 1904.

John S. Merryman,

Spiro, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 30, 1904, in which you state that a contest of Mrs. Alma Russell as to certain land filed on by you for your minor child Erie V. Russell is being held pending action on the application of Alma Russell for enrollment and you ask for an early decision in her case.

In reply to your letter you are informed that the Commission is passing upon applications for enrollment of citizens of the Choctaw and Chickasaw Nations as rapidly as practicable, and as soon as the right of Alma Russell to enrollment as an intermarried citizen of the Choctaw Nation is determined any contest which may be dependent upon her right to enrollment will be taken up for determination.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 17, 1906.

Mrs. Alma Russell,

Spiro, Indian Territory.

Dear Madam:

Your letter of March 5, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you refer to your right to enrollment as a citizen of the Choctaw Nation and inclose certain correspondence heretofore had with this office to the Secretary of the Interior and Honorable William H. H. Clayton.

In reply to your letter you are advised that your application for enrollment as a citizen of the Choctaw Nation is now receiving consideration and when a decision is reached you will be notified of the action taken therein.

The letters inclosed with your communication are herewith returned.

Respectfully,

Acting Commissioner.

7-R-259

Muskogee, Indian Territory, May 14, 1906.

J. C. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 4, 1906, in which you ask the address of Alma Russell as you have lost the same and you desire to communicate with her relative to the notice of this office of April 28, 1906, advising of an adverse decision in this case.

In reply to your letter you are advised that the last known post office address of this applicant as it appears from the records of this office is Spiro, Indian Territory.

Respectfully,

Acting Commissioner.

Chockaw Nation

DECISION RENDERED

REFUSED

APR 28

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

APR 28 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

APR 28 1906

COPY OF DECISION FORWARDED
APPLICANT

APR 28 1906

Document written February 5, 1901.

(R.S.S.)

RECORD FORWARDED DEPARTMENT.

APR 28 1906

ACTION APPROVED BY
SECRETARY OF INTERIOR

MAY 22 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL 2 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUL 2 1906

NOTICE OF DEPARTMENTAL
ACTION FILED APPLICANT.

Empty

CHOCTAW

N.

R261

Margaret Sanders.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #167.

CHOCTAW.

R. 20

R262

John Scarborough

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.C.R.

REFER TO M. C. R. #177

R. 263

John Scarborough Jr.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 259.

GREEN

R. 264

William D. Scarborough

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.C.R. # 253

Empty

Empty

Choc R267 Edgar Scarbrough

R267

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Edgar Searborough for enrollment as a
Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Edgar Searborough.

Q How old are you? A Twenty-eight.

Q Are you on the Choctaw rolls? A No sir.

Q Are your father and mother on the rolls? A No sir.

Q Where are you living? A In Texas.

Com'r McKennon: Enrollment is refused.

Q Com'r Needles: Who advised you people to try to enroll here?

A He lives at Tishomingo- Treadwell & Lucas was the man; they
had to go away, and left the papers with another man.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---|---

In the matter of the application of Edgar Seabrough
for the enrollment of himself as a citizen of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that the applicant, Edgar Seabrough, appeared before the Commission at Durant, Indian Territory, during its session thereat beginning August 14, 1899, and ending August 18, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It does not appear from the evidence submitted in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by

the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in the Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It appears from the evidence submitted that the said Edgar Scarborough is a resident of the state of Texas and has not removed to and in good faith settled in the Indian Territory prior to the date of this application.

It does not appear from the evidence offered in support of this application, that the applicant has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation in accordance with the tribal laws of said nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1896, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicant was on February 17, 1902, notified by registered mail that he would be allowed thirty days from the date thereof within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. In response

has been made by the applicant to said notice.

The act of Congress of June 25, 1898, (30 Stats., 495), provides:

" Said Commission is authorized and directed to make correct rolls of the citizens by blood of All the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

and also the following:

" No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship".

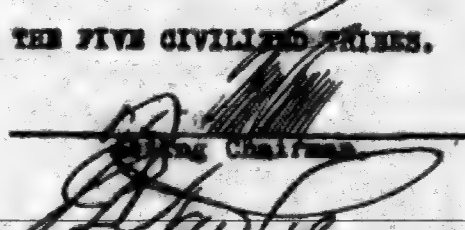
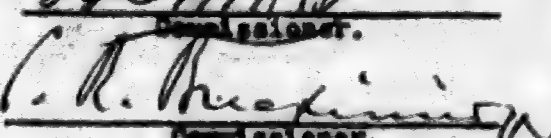
The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is therefore, the opinion of this Commission that Edgar Scarbrough is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,
MAY 19 1902


Acting Chairman

Commissioner.

COPY.

Muskogee, Indian Territory, May 19, 1902.

Edgar Beardsborough,

In care of Treadwell & Lucas,

Tishomingo, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

by
Acting Chairman.

1 inclosure.
Registered.

COPY.

McKegee, Indian Territory, May 19, 1902.

Mansfield, Matheray & Cornish,

Attorneys for the Cheotaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Edgar Scarborough as a citizen of the Cheotaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

John D. Birby.

1 inclosure.

Acting Chairman.

V R 207

COPY

Enabago, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Edgar Scarborough for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Edgar Scarborough as a citizen of said nation.

Respectfully,

James D. Ditty.

Acting Chairman.

1 enclosure.

Through the Commissioner
of Indian Affairs.

Department of the Interior.
Office of Indian Affairs.

Washington June 12, 1902.

Land,
30960-1902.

The Honorable,
The Secretary of the Interior,
Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Edgar Scarborough for enrollment as a Choctaw. The Commission refused enrollment.

It appears from the record and evidence that this applicant is a resident of Texas, and that he was never in any way recognized as a Choctaw. I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. G. TOWNE,

Acting Commissioner.

M. S. S.

L.

D. C. 18433-1902.

Department of the Interior.

Y.

I. T. D. 2768-1902.

Washington, June 19, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Washburne, I. T.

Gentlemen:

May 19, 1902, you transmitted my record in the matter of the application for enrollment of Edgar Burroughs as a citizen of the Chester Nation. You refused this application because he has never been enrolled or admitted as a Chester citizen and never resided in Indian Territory. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is enclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Chester 2-267.

Waskagee, Indian Territory, June 30, 1908.

Edgar Beartreugh,

In care of Trudwell & Lucas,
Tishomingo, Indian Territory.

Dear Sir:-

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 16, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Chester Nation.

Yours truly,

W. B. Needles.

Commissioner in Charge.

COPY.

Chectaw N. 207.

Muskogee, Indian Territory, June 30, 1902.

Mansfield-McMurray & Cornish,

Attorneys for the Chectaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Edgar Bearbrough, for the enrollment of himself as a citizen of the Chectaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

as a citizen of the Choctaw Nation

REFUSED.

MAY 19 1902

COPY OF DECISION FORWARDED MAY 19 1902
APPLICANT

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

MAY 19 1902

MAY 19 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 30 1902

Empty

Empty

Empty

Choc R27/ Fannie Scroggins

R27/

Commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the Application of Fannie Seroggias for enrollment as a
Choctaw; being sworn and examined by Com'r McKeanon she states:

- Q What is your name? A Fannie Seroggias.
Q How old are you? A Fifty-one.
Q Where do you live? A In Sherman, Texas.
Q Have ever you been on the Choctaw rolls? A No sir.
Q On the Chickasaw rolls? A No sir.
Q Were your father and mother ever on these rolls in the Nation?
A No sir. My father and mother were never in this country.

Com'r McKeanon: Enrollment is refused.

Department of the Interior

Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct
transcription of the deposition of Fannie Seroggias as
transcribed true and correct translation of
my stenographic notes.

M. B. Green

7-2-271.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Fannie Seroggins for the enrollment of herself as a citizen of the Choctaw Nation.

D E C I S I O N.

The record in this case shows that the applicant, Fannie Seroggins, appeared before the Commission at Spade, Indian Territory, at its session beginning August 21, 1899, and ending August 23, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor

by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

It appears that the applicant had not removed to and in good faith settled within Indian Territory, prior to June 28, 1898.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship....."

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 821) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and the refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Fannie Scroggins is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


P. R. Breckinridge
Commissioner.

Muskogee, Indian Territory.

MAY -9 1902

COPY.

Chectaw R-271.

Muskogee, Indian Territory, May 9, 1908.

Manafield, McFarrey & Gornish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Fannie Scroggins as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

X enclosure
Chectaw R-271.

COPY.

Muskegee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Fannie Scroggins for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Fannie Scroggins as a citizen of said nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 enclosure
Choctaw B-271

Through the Commissioner of
Indian Affairs.

COPY.

Land
29,240-1902.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Washington, June 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the application of Fannie Seroggins, for enrollment as a Choctaw citizen.

From the records it appears that the applicant is a resident of Sherman, Texas; that she was never enrolled or recognized as a Choctaw citizen, and does not make claim as a Mississippi Choctaw.

It is the opinion of this office that the decision of the Commission rejecting this application was manifestly correct and I respectfully recommend that said decision be approved.

Very respectfully,

Your obedient servant,

(E.S.S.)

P.

A.C. Tonner,
Acting Commissioner.

COPY.

34086

D. C. No. 10016-1902.

P.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 3504-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in matter of the application for enrollment of Fannie Seroggins as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. Copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan
Acting Secretary.
E.M.D.

1 c inclosure.

COPY

Choc.R. 271.

Muskogee, Indian Territory June 23, 1902.

Fannie Soroggins,
Sherman, Texas.

Dear Madam:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

I. B. Needles.
(SIGNED).

Commissioner in Charge.

COPY.

Choctaw B. 271.

McKagge, Indian Territory June 23, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys, for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission dated May 9, 1902, refusing the application made by Fannie Scroggins for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

438



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

M. 24 1.
SHERMAN, TEXAS.

Fannie Scroggins,

2244

~~Sherman,~~

Returned to
Texas.

UNCLASIFIED

COMMISSIONERS
HENRY L. DAWES,
TAMM BIZBY,
THOMAS S. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-271

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of
Fannie Scroggins for the enrollment
of herself as a citizen by blood of
the Choctaw Nation. }

To Fannie Scroggins,

Sherman, Texas,

You are hereby notified that you will
be allowed thirty days from date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under
the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

F. S., 2,

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge.

Commissioner in Charge.

Register.

877



Jannie Scroggins,

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

REGISTERED, \$300.

JUN 14 1902

SHERMAN, TEXAS.

Returned to Writer.

Returned to Writer.

7439
3488

Texas.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXON.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R 271

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 9, 1902.

Fannie Scroggins,

Sherman, Texas.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure
Choctaw R 271
Registered.

CHOCTAW

In the matter of the application
of Fannie Scroggins for enrollment
as a citizen of the Choctaw Nation

REFUSED. MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT.

MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

CHOCTAW.

Silas Sharp

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. #3540

Choc R273

Richard Sharp

R273

Commissioner of the Five Civilized Tribes
Oklahoma, Indian Territory

In the application of Richard Sharp for enrollment as a Choctaw,
now being sworn and examined by Com'r Hekman as follows:

- Q What is your name? A Richard Sharp.
Q How old are you? A Twenty-eight.
Q Where do you live? A In the Chickasaw Nation.
Q You were born and raised in Texas? A No sir.
Q Are you on the Choctaw roll? A No sir.
Q Were you ever on the Choctaw roll? A No sir.
Q Were your father and mother ever on the Choctaw roll?
A No sir, not that I know of.

Com'r Hekman: Enrollment is refused.

Department of the Interior,
Commissioner of the Five Civilized Tribes

Witness my hand and the Great Seal of the
Department of the Interior at Washington, D.C.
this 1st day of June, 1906.

[Signature]

FVK

7-R-273.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Richard Sharp
for the enrollment of himself as a citizen of the Chectaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that the applicant, Richard Sharp, appeared before the Commission at Caddo Indian Territory, during its session thereat, beginning August 21, 1899 and ending August 25, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Chectaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Chectaw Nation in the possession of the Commission, that the applicant, Richard Sharp, has never been enrolled as a citizen of the Chectaw Nation, nor does his name appear upon any of the tribal rolls of the Chectaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Chectaw citizenship by the legally constituted authorities of said Nation.

It appears from the records of the Commission that on September 9, 1896, Emily Jane Sharp filed with the Commission her petition for admission to Choctaw citizenship under the act of Congress of June 10, 1896, (29 Stats., 321), claiming her right thereto by blood, which petition set out that nine children were born to her by her marriage with one Jack Sharp, among whom is mentioned the name of Richard Sharp, twenty-five years of age, and all of whom she alleges to be Choctaw Indians by blood and as such entitled to all the rights and privileges of the same, but in her final prayer she only makes application for the consideration of her own claim thereunder, and on December 4, 1896, the Commission denied such application of Emily Jane Sharp, from which decision no appeal was taken.

It further appears from an examination of the records in the possession of the Commission, that the applicant, Richard Sharp, has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the act of Congress of June 10, 1896; (29 Stats., 321), neither does it appear that the applicant, Richard Sharp, has ever been married under the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen thereof.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the act of Congress of June 28, 1898, (30 Stats., 496), section twenty-eight, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 18, 1902, notified by registered mail that he would be allowed thirty days from the date thereof, within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 26, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

The act of Congress of May 31, 1900, (31 Stats., 221-), provides as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized member thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of the Commission that Richard Sharp is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory and that his application therefor should be refused, and it is so ordered.

THE COMMISSION, TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

MAY 19 1902

[Signature]
Chairman
[Signature]
Commissioner
[Signature]
Commissioner

COF
Muskegee, Indian Territory, May 19, 1902.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Richard Sharp as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

John B. Thompson
Acting Chairman.

1 inclosure.

7-2-573

COPY

Maheges, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Richard Sharp as a citizen of the Cheotaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Richard Sharp as a citizen of said Nation.

Respectfully,

Tamr Dixby

Acting Chairman.

I Enclosure.

Through the Commissioner
of Indian Affairs.

COPY,

Land.
30,960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington June 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Richard Sharp for enrollment as a Chectaw citizen.

The Commission refused to enroll him.

As this applicant was never enrolled or recognized as a Chectaw citizen it is the opinion of this office that under the provisions of the existing law the Commission had no authority to enroll him.

I respectfully recommend that the decision of the Commission refusing to enroll this applicant be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,
Acting Commissioner.

(E.S.S.)
P.

COPY.

D.C. 10530-1902.

F.

Department of the Interior.

I.T.D. 3743-1902.

L.R.S.

Washington June 19, 1902.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 12, 1902, you transmitted the record in the matter of the application for enrollment of Richard Rhary as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Choctaw R 273.

Muskogee, Indian Territory, July 1, 1902.

Richard Sharp,

Okfuskee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

COPY.

Chester B. 873.

Muskogee, Indian Territory, July 1, 1908.

Wansfield, McMurray & Cornish,

Attorneys for the Chester and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application of Richard Sharp for the enrollment of himself as a citizen of the Chester Nation.

Yours truly,

(SIGNED)

T. B. Neelins

Commissioner in Charge.

Reg 89
86

Present- Address Unknown



Richard Sharp,

Gadsden,

Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



2171

COMMISSIONERS
HENRY L. DAWES,
TANS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-273.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of
Richard Sharp for the enrollment of
himself as a citizen by blood of the
Choctaw Nation.

To Richard Sharp,

Caddo, Indian Territory.

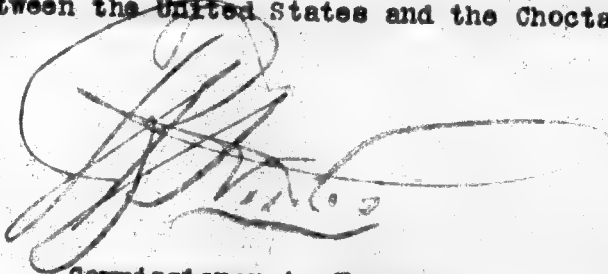
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under
the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the
corroborating witnesses, and must set forth the fact that you are a

R. S., 2,

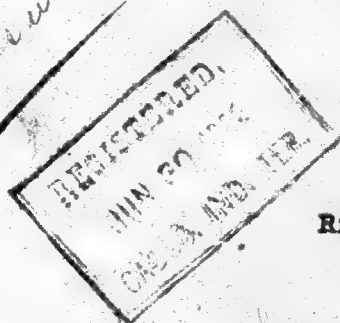
descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the printed title.

Commissioner in Charge.

Register.

Reg 241
228
Cannot be delivered
present address unknown



Richard Sharp,

~~Order~~



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

7831



JUN 30 1902

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W.C.B.
REFER IN REPLY TO THE FOLLOWING

7-R-273

ADDRESS IN FULL
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Richard Sharp,


Caddo, Indian Territory,

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

1 enclosure.
Registered.

[REDACTED]

of the application
of Richard Sharp as
of the Choctaw Nation.

REFUSED.

DECISION FOR
APPLICATION

MAY 19

MAY 19

MAY 19

NOT FORWARDED DEPARTMENT MAY

ACTION APPROVED BY JUN 19 1902
SECRETARY OF INTERIOR.

JUL -1 1902

OFFICE OF DEPARTMENTAL ACTION
ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

Choc R274

Emily J. Sharp

R274

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the application of Emily J. Sharp for enrollment as a
Choctaw; being sworn and examined by Com'r McKenna she states:

- Q What is your name? A Emily J. Sharp.
- Q How old are you? A Sixty-one.
- Q Where do you live? A I live in the Territory.
- Q When did you come to the Territory from Texas? A I have
been here thirteen or fourteen years.
- Q Where did you come from, in Texas? A Yes sir.
- Q Were you born and raised in Texas? A I wasn't born and
raised there, I was principally born and raised in Mississippi.
- Q How old were you when you came from Mississippi to Texas?
- A I staid there until I was about twenty-one, and then I went
back and then I came again; this is my third time to Texas.
- Q You have never been on the Choctaw rolls here? A No sir.
- Q Your father and mother were never on the Choctaw rolls?
- A No sir, if they were I don't know it.

Com'r McKenna: Enrollment is refused.

(Applicant was rejected by Dawes Commission in 1896.)

Department of the Interior,

Commissioner of the Five Civilized Tribes,
Caddo, Indian Territory.

M. D. McKenna

7-2-274

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----009-----

In the matter of the application of Emily J. Sharp for enrollment as a citizen of the Choctaw Nation.

-- D E C I S I O N --

The record in this case shows that the applicant, Emily J. Sharp, appeared before the Commission at Okfuskee, Indian Territory, at its session beginning August 21, 1899, and ending August 23, 1899, and then and there made personal application for enrollment as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It appears from the records in the possession of the Commission that the applicant filed with the Commission under the act of June 10, 1896, (29 Stats., 321), her original application for citizenship in the Choctaw Nation, the same being an application

docket number 287, which was denied by the Commission and no appeal taken therefrom.

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 26, 1896, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 19th day of February, 1903, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 26, 1896, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

-3-



"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and only and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Emily J. Sharp is not lawfully entitled to be enrolled as a member of the Cheateau tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

MAY 12 1902


Chairman.

Commissioner.

COPY.

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of the proceedings in the matter of the application made by Emily J. Sharp, for the enrollment of herself, as a citizen by blood of the Choctaw Nation, including the decision of the Commission dated May 12, 1902, refusing the application for the enrollment of Emily J. Sharp, as a citizen by blood of said nation.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

1 enclosure
Choctaw R-274

Through the Commissioner
of Indian Affairs.

COPY.

Chester R-274.

Waukegon, Indian Territory, May 12, 1902.

Massfield, McMurtry & Cornish,
Attorneys for the Chester and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Emily J. Snow as a citizen by blood of the Chester Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *Tams Bixby*

Acting Chairman.

1-22-02
Chester R-274.

C O P Y

Land,
29240-1902.

DEPARTMENT OF THE INTERIOR/
Office of Indian Affairs.

Washington, May 23, 1902

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Emily J. Sharp, for enrollment as a citizen of the Choctaw Nation. The applicant was rejected by the Commission.

From the record and testimony transmitted, it appears that this applicant has never been enrolled or admitted to Choctaw citizenship, and the applicant makes no claim as a Mississippi Choctaw.

It is the opinion of this office that under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll said applicant. I therefore respectfully recommend that the decision of the Commission refusing enrollment on this application be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

H.S.S.

L.

C O P Y.

D.C.10105-1902.

DEPARTMENT OF THE INTERIOR,
Washington.

June 12, 1902.

I.T.D.1228-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 12, 1902, you transmitted the record in matter of the application for enrollment of Emily J. Sharp as a citizen of the Choctaw Nation. You refused the application because the Commission denied her application filed under the act of June 10, 1896 (29 Stat., 321), and no appeal was taken to the court. A copy of the Acting Commissioner's letter recommending approval of your decision, is enclosed.

The Department affirms your decision.

Respectfully,

THOS. HAN,

Acting Secretary.

2 inclosure.

COPY

Chester H 274

Muskogee, Indian Territory, June 27, 1908.

Emily J. Sharp,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1908, affirmed the decision of the Commission, dated May 12, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Cherokee Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COPY.

Chester 2 274

Washago, Indian Territory, June 27, 1902.

Manfield, McHurray & Cornish,

Attorneys for the Cheatew and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by Emily J. Sharp for the enrollment of herself as a citizen of the Cheatew Nation.

Yours truly,

SIGNED: T. D. Neelley,

Commissioner in Charge.

Reg 88.
86
Printed and written



Emily J. Sharp,

Gaddys

Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



2172

COMMISSIONERS
HENRY L. DAWES,
TANS BIXBY,
THOMAS E. NEEDLES,
C. R. BRICKNORRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. B-274

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1902.

In the matter of the application of
Emily J. Sharp for the enrollment of
herself as a citizen by blood of the
Choctaw Nation. }

To Emily J. Sharp,

Caddo, Indian Territory.

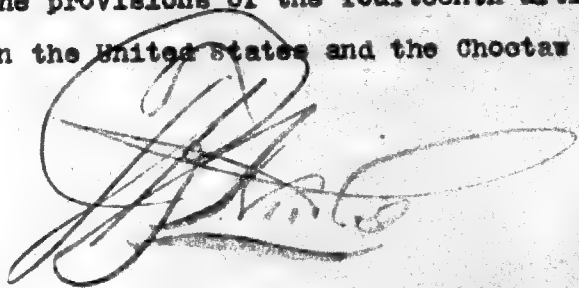
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under
the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the
corroborating witnesses, and must set forth the fact that you are a
descendant of Choctaw Indians who resided in the state of Mississippi

E. J. S., 2,

in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

Reg 234
227.

*Can't find the
original of this
Kidon*



Department of the Interior.

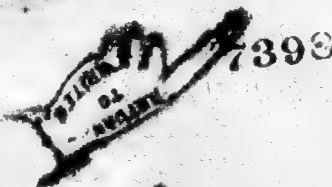
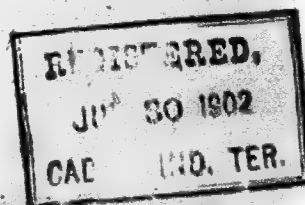
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Emily J. Sharp,



~~Indian Territory.~~

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chectaw R 274

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 12, 1902.

Emily J. Sharp,

Cadde, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen by blood of the Chectaw nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 enclosure
Chectaw R-274
Registered.

7-1-274

Muskogee, Indian Territory, October 16, 1906.

J. B. Vinyard,

Reagan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 7, 1906, in which you state that your wife Rhoda Vinyard is a daughter of Emily Jane Sharp and that her mother made application for the enrollment of herself and her children and that your wife has lately sent in her application with that of her brother Silas Sharp by Goodenough & Chasault.

In reply to your letter you are advised that it does not appear from the records of this office that application has been made by or on behalf of Rhoda Vinyard for enrollment as a citizen by blood of the Choctaw Nation.

You are informed that Emily J. Sharp was an applicant for enrollment as a citizen by blood of the Choctaw Nation and her application was refused by the Commission to the Five Civilized Tribes May 12, 1902 and this action was affirmed by the Secretary of the Interior June 12, 1902.

It does not appear that the name of Rhoda Vinyard was in-

J. R. V. 42

eluded in the Mississippi Choctaw case in which Elias Sharp is one of the parties.

Respectfully,

Commissioner.

CHOCTAW

In the matter of the application
of Billy J. Sharp for enrollment as
a citizen of the Choctaw Nation.

REFUSED. MAY 12 1902

**COPY OF DECISION FORWARDED
APPLICANT** MAY 12 1902

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.** MAY 12 1902

RECORD FORWARDED DEPARTMENT.
MAY 12 1902

**ACTION APPROVED BY
SECRETARY OF INTERIOR.** JUN 12 1902

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.** JUN 27 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.** JUN 27 1902

R-27
John Liles

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.C.B. #349

Choc R276

Frank W. Simpson

R276

Commission to the Five Civilized Tribes,

Ateka, I. T., Dec. 5th, 1899.

In the application of Frank W. Simpson for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A Frank W. Simpson.
- Q How old are you? A Forty-seven.
- Q You claim to be a Choctaw? A Yes sir.
- Q Where were you born? A I was born in Arkansas.
- Q How long did you live in Arkansas? A About two weeks.
- Q Where did you go to from there? A Lamar County, Texas.
- Q How long did you live there? A I lived in Texas until right here lately; I went from there to Grayson County, and came to the Territory from Texas about two weeks ago.
- Q You never lived in the Territory before? A No sir, I never did make it my home before.
- Q Were you ever on the Choctaw rolls? A No sir.
- Q Were your father and mother? A No sir, I don't ~~remember~~ reckon they was.
- Q What degree of Choctaw blood have you? A I don't know sir; I couldn't say.
- Q Did you make application to the Dawes Commission in 1896?
- A No sir, I never did make any application before, neither to the Dawes Commission nor to the Choctaw Council.

Com'r McKennon:

As you are not on the Choctaw rolls, and never have been, nor your parents, the Commission has no authority to enroll you, and your enrollment will be refused.

-- Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. McKennon

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frank W. Simpson
for enrollment as a citizen by blood of the Cheetaw Nation.

--: DECISION :--

The record in this case shows that on December 8, 1899
the applicant, Frank W. Simpson, appeared before the Commission at
Atoka, Indian Territory, and then and there made personal application
for enrollment as a citizen by blood of the Cheetaw Nation.

It appears from the evidence offered in support of
this application and an examination of the tribal rolls of the Chee-
taw Nation in the possession of the Commission, that the applicant
has never been enrolled as a citizen of the Cheetaw Nation, nor does
his name appear upon any of the tribal rolls of the Cheetaw Nation in
the possession of the Commission, nor does it appear that he has ever
been admitted to Cheetaw citizenship by the legally constituted author-
ities of the said Nation.

It further appears from an examination of the records
in the possession of the Commission to the Five Civilized Tribes,

(3).

that this applicant has never been admitted to citizenship in the Choctaw Nation by the commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 19th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."


(3).


The act of Congress of May 31, 1900, (31 Stats., 221),
provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

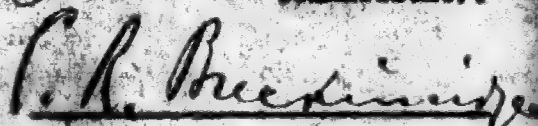
It is, therefore, the opinion of this Commission that Frank W. Simpson is not lawfully entitled to be enrolled as a member of the Cheetaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAY -9 1902.

Choctaw R 276

COPY.

Muskogee, Indian Territory, May 9, 1902.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank W. Simpson as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED). *I. B. Needles.*

Commissioner in Charge.

1 inclosure
Choctaw R 276.

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Frank W. Simpson for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Frank W. Simpson as a citizen of said nation.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 inclosure
Choctaw N 276

Through the Commissioner
of Indian Affairs.

(COPY)

Land.
29,240-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, June 2, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record and testimony in the matter of the application of Frank W. Simpson for enrollment as a Choctaw citizen.

From the testimony it appears that the applicant has never resided in the Indian Territory; that neither he nor his parents were ever enrolled, admitted or recognized as Choctaw citizens.

The applicant does not claim rights as a Mississippi Choctaw.

It is the opinion of this office that the decision of the Commission refusing enrollment was correct, and I respectfully recommend that the said decision rejecting Frank W. Simpson's application for enrollment as a Choctaw be approved.

Very respectfully,
Your obedient servant,

(E.S.S.) P.

A.C. Tonner,
Acting Commissioner.

(COPY)

34078

D.C.No.10019

DEPARTMENT OF THE INTERIOR.

Washington.

P.

I.T.D. 3458-1902

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in the matter of application for enrollment of Frank W. Simpson as a citizen of the Choctaw Nation. You refused the application because the applicant has never been duly enrolled or admitted to citizenship in said nation. A copy of the Acting Commissioner's letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan.
Acting Secretary.

E.M.D.

COPY.

Chec. A. 276

Muskogee, Indian Territory June 23, 1902.

Frank W. Simpson,

Gainesville, Texas.

Dear Sir:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY:

Choctaw R. 276.

McKogee, Indian Territory June 23, 1902.

Messrs. Mansfield, Mottar & Cornish,

Attorneys, for the Choctaw and Chickasaw Nations,

South, McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Frank W. Simpson for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

T. B. Needles

CHIEF

Commissioner in Charge

Returned to writer



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Page No. 442

Frank W. Simpson,

Gainesville

Texas.

Returned to writer

~~2239~~

~~1056~~

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. MURKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W.O.O.B.
REFER IN REPLY TO THE FOLLOWING

Choctaw No. B-276

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1902

In the matter of the application of)
Frank W. Simpson for the enrollment of
himself as a citizen by blood of the
Choctaw Nation.

To Frank W. Simpson,

Gainesville, Texas,

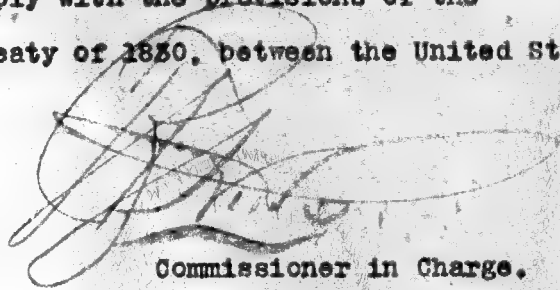
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under
the act of Congress of June 28, 1898, which provides as follows.

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and thirty,
and to that end may administer oaths, examine
witnesses and perform all other acts necessary
thereto, and make report to the Secretary of
the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you

F. W. S., 2..

are a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the document.

Commissioner in Charge.

Register.

858



Returned to writer

Frank W. Simpson,
Gainesville,
Texas.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~744~~
~~8492~~

813

COMMISSIONERS
HENRY L. DAVES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W-013

REFER IN REPLY TO THE FOLLOWING

Choctaw R. 276

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 9, 1902.

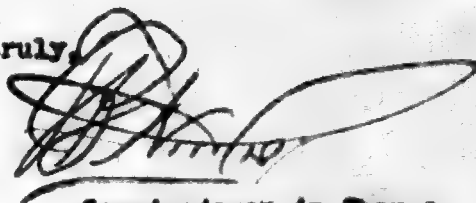
Frank W. Simpson,
Gainesville, Texas,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 inclosure
Choctaw R 276
Registered

In the matter of the application
of Frank W. Simpson for enrollment
a citizen by blood of the Choctaw
Nation.

REFUSED MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT.
MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

R. 27.7

Frank Skaggs & d.
(children of Jno. Skaggs)

John Skaggs on Choctaw
Card # 5335 & children
on Choctaw * R 536

Choc R278 Daniel T. Sledge

Denied

R278

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the application of Daniel T. Sledge for enrollment as a
Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A Daniel T. Sledge.
- Q How old are you? A Twenty-eight.
- Q Have ever you been on the Choctaw rolls? A No sir.
- Q Have your parents ever been on the Choctaw rolls? A I
suppose so.
- Q What knowledge have you of the fact? A All I know is what
my mother told me.
- Q How long has your mother been dead? A I couldn't say,
I don't remember exactly, she has been dead, - it must have been
fifteen years.
- Q Was your father on the rolls? A No sir, he wasn't a cit-
izen.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct translation of
the stenographic notes of the examination of Daniel T. Sledge, as
stated in the transcript of the examination of this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

R-278

(Copy)

EX B

DANIEL T. SLEDGE,

vs.

CHOCTAW NATION.

To the Honorable Commission to the Five Civilized tribes at Muscogee, I. T.

Your petitioner Daniel T. Sledge would most respectfully represent that his name is Daniel T. Sledge that his post office address is Velma, I.T. that he is 28 years of age and that he is a member of the Choctaw tribe or nation of Indians by blood. Petitioner states that his mother was a one half Blood Choctaw Indian--whose maiden name was Jane Frazier--that she was first married to Carroll Tucker and after his death she married the Petitioners Father Z.L.Sledge. That of this union there was two children born--to wit;--William Sledge and the petitioner Daniel T. Sledge, that William sledge and the petitioner are full brothers and that they are one fourth blood Choctaw Indians. The Petitioner would then state that his brother William is a recognized member of the Choctaw Tribe or Nation of Indians and that his name is now on the Roll as such--as shown by the records of the United States Court in and for the Central District of the Indian Ter.

Petitioner would further state that he is a half brother of Harriet Gordon who is a fourth Choctaw Indian by blood and that she has been so recognized ever since the petitioner was born--and that she is now on the Roll of Choctaw Indians--as shown by the records of the United States Court in and for the Southern District of the Indian Territory a copy of which record is hereto attached and made of this petition. That in the year 1893 he was duly and

legally married to Lulu MacMurtry-at Velma, Indian Territory, and that of this union there were born two children-towit;-Leonie three years of age-and Lela A.whose age is one year. That these children are all of one eight blood Choctaw Blood and that at the time that the Dawes Commission was holding session at Vanita, I.T.they were not yet born.

Wherefore your petitioner would ask that he, with his wife and Children be enrolled as members of the Choctaw Tribe or Nation of Indians-and all other and further relief to which they may be entitled.

(signed)

DANIEL T. SLEDGE.

INDIAN TERRITORY-}

Southern District-}

ss BEFORE ME the undersigned authority this day appeared Daniel T. Sledge-who being duly sworn on oath states that the matters and facts set forth in the fore going petition are true.

(signed)

DANIEL T. SLEDGE.

Subscribed and sworn to before me this the 15th day of Aug., 1898.

(signed)

HARRY P. GILBERT
Notary Public.

(SEAL)

R-378

(Copy)

EX. 6

INDIAN TERRITORY-
Southern District

Before me the undersigned authority-this day appeared Mrs. Maggie F. Richerson-who being duly sworn on oath states that she is forth years of age and that her P. O. Address is Arthur, I.T. That she is personally acquainted with the applicant-that he is her half brother-her mother and his being the same. That Her Mothers name was Jane Frazier, that she first married Carroll Tucker-who was the affiants Father and after his death she married Z.L. Sledge-the Applicants Father. That her Mother and his was a One Half Blood Choctaw Indian and as such was recognized both by the Authorities of the Choctaw Nation and her neighbors and acquaintances. That her Mother did not die until she was about twenty eight years and that she knows of her own personal knowledge that she was a Half blood Choctaw Indian.

Affiant would further state that she herself has always been recognized as a One Fourth Choctaw Indian-has been on the Rolls before the Commission to the ~~the~~ Civilised tribes began work in the Ind. Ter. and at the time that they commenced work-she filed an application for citizenship before them and was admitted, no appeal being taken by the Choctaw Govt. That she has no interest in the result of the matter save that Justice may be done all parties.

Witness
F.E. Lilly.

(signed)

MAGGIE F. RICHARDSON
(her x mark)

Subscribed and sworn to before me this the 15th day of Aug., 1890.

(signed)

HARRY F. GILBERT,
Notary Public.

(SEAL)

R-278

(Copy)

EX D

Indian Territory-)
Southern District-) SS.
)

Before me the undersigned authority-this day personall came and appeared Harriet Gordon-who being duly sworn on oath states that he name is Harriet Gordon-that she is 49 years of age and that her P.O.Address is Velma,I.T. That she is personally acquainted with Pplicant hereqin,Daniel T.Sledge-and that she knows him to be one fourth Choctaw Indian by blood. That he is a half Brother of hers, her Mother being Jane Frazier-who afterwards married Carroll Tucker-affiants Father and afterw his death she married Z.L.Sledge, Petitioner Father. Affiant says that she has known the Petitioner all of his life and was present at his Birth. That she is now on the Roll of Choctaw Indians and that the same is shown by the records of the United States Court in and for the Southern District of the Ind. Ter. a copy of which record is hereto attached marked exhibit A and made a part of this Application.

That she has no interest in the result of this action save that Justice may be done.

Witness
(signed)
George Hayes.

HARRIET (her x mark)GORDON.

Subscribed and sworn to before me this the 15th day of Aug.,1899.

(signed)

HARRY F. GILBERT,
Notary Public.

(SEAL)

R-278

(Copy)

EX E

Indian Territory -)
Southern District-) SS.
)

Before me the Undersigned authority-this day appeared Rosa Tapp-who being duly sworn on oath states that her name is Rosa Tapp and that her P.O.Address is Arthur, I.T.

I am personall acquainted with the applicant in this matter Daniel T.Sledge-and know that he is a one fourth blood Choctaw Indian-and he is my Uncle, or half Uncle rather. He is a half brother of my mother Harriet Gorgon, who is a one Fourth Choctaw Indian. I am now on the Roll-as shown by the record of the United States Court in and for the Southern District of the Indian Territour.

I have no interest whatever in the matter save that Justice may be don to all parties.

(signed)

ROSIE TAPP.

Subscribed and sworn to before me this the 15th day of Aug., 1899.

(signed)

HARRY F. GILBERT,
Notary Public.

(SEAL)

R-278

(Copy)

EX F

Indian Territory-)
Southern District-) SS.
)

Before me the undersigned authority-this day appeared William Sledge-who being duly sworn on oath states-that my name is William Sledge-and my P.O.Address is Arthur,I.T.and my age is Thirty Two years of age. I am acquainted with the Pplicant Daniel T.Sledge-he is my brother-Our Mothers maiden name was Jane Frazier-she first married Carroll Tucker-and after his death she married Z.L.Sledge our Father. I am a one fourth Blood Choctaw Indian-and am now on the Roll. I have always been recognized as such-as it was well known that our mother was a half blood.

I have no interest in the matter except that Justice may be done to all parties.

(signed)

WILLIAM (his x mark)SLEDGE.

Witnesses:

T. E. Lilly.
W. J. Skaggs.

Subscribed and sworn to before me this the 15th day of Aug.,1899.

(signed)

HARRY F. GILBERT,
Notary Public.

(SEAL)

(ENDORSEMENTS)

Department of the Interior.

RECEIVED

AUG 19 1899

No. 2381.

Indian Territory Division.

Petition of Daniel T. Sledge.

FILED

JUN 15 1900

COMMISSION TO FIVE TRIBES

Choctaw by Blood.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
COLBERT, IND. TER., JUNE 16, 1900.

In the matter of the application of DANIEL T. SLEDGE for enrollment as a Choctaw by blood, said applicant being sworn by Acting Chairman Bixby, testified:

By the Commission:

- Q What is your name? A Daniel T. Sledge.
Q How old are you? A 29.
Q Where do you live? A Velma, Indian territory.
Q In the Choctaw Nation? A Chickasaw.
Q What is your postoffice? A Velma.
Q You claim as a Choctaw by blood? A Yes.
Q How long have you lived in the Chickasaw Nation? A I have been in the Chickasaw and Choctaw together for years I guess. It has been 12 years since I lived out of it any time at all.
Q How long have you lived where you do now in the Choctaw Nation? A Little over a year.
Q Where did you live prior to that time? In the Choctaw nation at Tucker postoffice, 30 miles from Fort Smith.
Q How long did you live at Tucker? A Four years.
Q Have you lived outside of the Indian territory from the time you first located at Tucker 5 years ago to the present time? A No sir, I have not lived out of the Territory for 12 years.
Q Where did you live before you came to the Indian territory? A Was born in Illinois and stayed there until I was 4 years old.
Q Where did you go from Ill? A Came to the territory; made one stop in Arkansas for one year-- picked cotton and monkeyed around and came back to the Territory. That must have been 14 or 15 years ago.
Q What was the name of your father? A Z. L. Zledge.
Q Is he a Choctaw or a white man? A White man.
Q What is the name of your mother? A Jane Sledge.
Q Is she a white woman? A No sir, Indian.
Q What proportion of Choctaw blood does your mother claim? A 1/2.
Q What proportion of Choctaw blood do you claim? A 1/4.
Q Where does your mother live? A She's dead-- been dead over sine I was a little bit of fellow.
Q Is your father living? A No sir, he's dead too.
Q Did your mother ever live in the Indian territory? A yes sir.
Q Where? A All over it. She lived in the territory I couldn't say how long-- I don't know.
Q Do you know whether she was ever on the tribal rolls of the Choctaw Nation? A I could not say for sure.
Q How long do you say it was since she died? A It has been 14 or 15 years, or maybe 16.
Q Did she die in the Choctaw Nation? A Died down here close to Fort Smith, maybe in the line of Arkansas.
Q Does your name appear upon any of the tribal rolls of the Choctaw Nation as a citizen? A No sir.
Q Did you ever make application to the lawfully constituted authorities of the Choctaw Nation for citizenship in that Nation? A No sir.
Q Did you make application to the commission to the Five Civilized Tribes, commonly known as the Dawes Commission, in '96, for citizenship in the Choctaw nation? A No sir.
Q You have never been recognized by the tribal authorities as a citizen of the Choctaw nation? A No sir. I have sisters that have been for years I suppose. Some of them are on the roll.

- Q Are you married? A Yes.
Q What is the name of your wife? A Lula Sledge.
Q How old is she? A 23 I think is her age.
Q When were you married to her? A '93.
Q What date? A I think it was the 5th of March.
Q Were you married under Chickadaw law or United states? A U.S.
Q Where? A Volma, I.T.
Q Do you make any claim for your wife? A yes, as an intermarried Choctaw.
Q Have you any children? A Two.
Q What are their names and ages? A Leona aged 4 years and Lelia R. aged 1 year.
Q You make application for them as citizens by blood also? A yes.
Q Do you desire to offer in evidence at this time your marriage license and certificate? A Yes.
(Marriage license and certificate of Daniel T. Sledge and Miss Luranda McMurtry offered in evidence and marked Exhibit A and filed.)
Q Is this paper which you have presented the marriage license and certificate of yourself and your present wife? A Yes.
Q How do you explain the difference in the name of your wife as shown by the marriage license and her name as given by you today? A I don't understand how it is, but Lula Aranda is her proper name.
Q Then the only explanation you can make of it is an error in making out your license? A Yes.
Q Your wife and child are now living? A yes.
Q Have they always lived with you? A yes.
Q Have you ever appeared before this commission before as an applicant for enrollment? A Yes.
Q When and where? A At McAlester last year.
Q What action was taken on your application then? A They would not take it-- said I was barred by the action of limitations.
Q Is there any additional statement in your case that you desire to make at this time? A Nothing except that all my folks are on the roll. I have one own brother on the roll and two half sisters and their families on the roll.
Q You do not know how they came on the rolls? A Through the Dawes Commission. One sister has been recognized as a citizen and holding land ever since I can remember. Maggie Richardson is her name.
Q Your name does not appear upon any of the Choctaw Rolls? A No sir, I don't think it does. It could have been put there when I was a ~~kind~~ kid, but I did not know. I have one nephew named Jim McPatridge on the roll and one niece named Rose Tapp also on the roll.

The tribal rolls of the Choctaw nation now in the possession of this Commission is examined and neither the name of Daniel T. Sledge or his wife or children appear thereon.

- Q Are there any other papers you desire to offer in evidence at this time? A Yes.

(The petition of Daniel T. Sledge for enrollment as a citizen by blood is offered in evidence marked Exhibit D and filed. Affidavit of Maggie F. Richardson offered in evidence marked Exhibit C and filed. Affidavit of Harriet Gordon offered in evidence marked Exhibit D and filed. Affidavit of Rosa Tapps offered in evidence marked Exhibit E and filed. Affidavit of William Sledge offered in evidence marked Exhibit F and filed.)

A copy of the decision of the Commission in ~~your~~ your case in writing will be mailed to you at your present postoffice address.

Choctaw by Eled-S.

Brown McDonald, being sworn by Acting Chairman Bixby, says that as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the witness Daniel T. Sledge, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 20th day of June, 1900,
at Colbert, Indian Territory.


Acting Chairman.

R-276

(Copy)

No. 4325

MARRIAGE LICENSE.

////////////////////

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Third Judicial Division.

} TO ANY PERSON
} AUTHORIZED BY LAW TO
} SOLEMNIZE MARRIAGE
} ss. --
} GREETING :
}

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish
the Banns of M A T R I M O N Y
between Mr. DANIEL T. SLEDGE, of Arthur, in the Indian Territory,
aged twenty two years, and Miss LURANDA McMURTRY, of Arthur, in the
Indian Territory, aged sixteen years, according to law, and do you
officially sign and return this license to the parties therein
named.

WITNESS MY HAND and official seal this 2nd day of March,
A.D.1893. (signed) MARSHALL L. BRAGDON,
Clerk of the U. S. Court.
By LAURA P. MATTHEWS, Deputy.

(SEAL)

.....

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,)
The Indian Territory,) ss.
Third Judicial Division.)

I, JOHN MARTIN, a
ordained minister DO HEREBY CERTIFY
that on the 5 day of March A.D.
1893 I did duly and according to
law, as commanded in the foregoing
license, solemnize the Rite and
publish the Banns of Matrimony between the parties therein named.

Witness my hand this 23rd day of March, A.D.1893.
My credentials are recorded in the office of the Clerk of the United
States Court, Indian Territory, 3rd Judicial Division, Book A, page
117.

(signed)

JOHN MARTIN,
a Minister Gospel.

.....
Certificate of Record of Marriage.

United States of America, }
The Indian Territory, } sct.
Third Judicial Division. }

I, MARSHALL L. BRAGDON,
Clerk of the United States
Court in the Territory and
Division aforesaid, do hereby
certify that the license for

and certificate of the marriage of Mr. Daniel T. Sledge and Miss
Luranda McMurtry were filed in my office in said Territory and
Division the 25 day of March A.D.1893, and duly recorded in Book 4
of Marriage Records page 525.

Witness my hand and seal of said court this 25 day of
March, A.D.1893.

(signed)

MARSHALL L. BRAGDON,
Clerk.

By A.D. MATTHEWS, Deputy.

(ENDORSEMENTS)

EX A

FILED
MAR 25 1893
Marshall L. Bragdon,
Clerk.

FILED
JUN 15 1900
COMMISSION TO FIVE TRIBES

Jane Frazier

Brothers { Tom Frazier
Si Frazier
Ace Frazier

First Husband { Carol Tucker } Children
by 1st marriage

~~Mary Frazier~~
Florina Tucker
Harriet Tucker
Maggie F. Tucker
Tom Tucker
Geo Tucker

Second Husband { Zebbin Sledge } Children
by 2nd marriage

William Sledge
D. T. Sledge
both applicants

Sisters { Margerite Frazier

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application for enrollment of Daniel T. Sledge for himself and his three minor children: Lula Sledge, Leona Sledge and Lelia Sledge, as citizens by blood of the Choctaw Nation.

To Daniel T. Sledge,

Velma, Indian Territory.

You are hereby notified that you and your children will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your children are entitled to be identified as Mississippi Choctaws, under the Act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your children are descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

Registrar.

Commissioner in Charge.

R-278

(Copy)

To the Honorable Commission to the five civilized tribes at Muscogee,
I. T.

In the matter of the
enrollment of D. T. Sledge and his minor
children.

Your affiant D. T. Sledge would most respectfully state that he is the applicant mentioned in the application for enrollment now on file with the Dawes Commission, that he is a son of Jane Sledge whose maiden name was Jane Frazier, and half brother of W. M. Sledge a witness herein and a half brother of Maggie F. Richerson another witness herein. That the applicant is a citizen of the Choctaw nation by blood, and makes application for himself and for his minor children Leonia, and Lelia Sledge his wife Lulu Sledge being now dead.

Affiant states that he is a descendant of Mississippi choctaw indians who resided in Mississippi in 1830 and have since attempted to comply with the provision of the 14th article of the treaty of 1830, between the U.S. and the Choctaw nation. And for further evidence applicant refers to the original papers filed with application for enrollment, at Colbert, I.T.

(signed)

D. T. SLEDGE.

Subscribed and sworn to before me this the 18th day of March, 1902.

(signed)

H. F. GILBERT,
Notary Public.

(SEAL)

To the Hon. Dawes Commission sitting at Muscogee, I.T. in the matter
of the enrollment of D.T. Sledge, and the members of his family.

Indian Territory

Southern District

Maggie F. Richerson being duly sworn on her oath states.
My name is Maggie F. Richerson, I am a citizen of the Choctaw tribe
of Indians, I was admitted to citizenship by the Dawes Commission in
the year 1896. My case was never appealed by the Indian Tribe.
I am a daughter of Jane Tucker whose maiden name was Jane Frazier,
she was an enrolled citizen of the Choctaw nation, and her right was
never questioned at any time and her name will appear on the tribal
rolls. I am a half sister of the applicant herein D.T. Sledge. My
mother, Jane Tucker, was Dan Sledge's mother, he being a child by
a subsequent marriage. I know that he is a Mississippi Choctaw
Indian by blood and entitled to enrollment as such. Our right was
never questioned by the Indian Authorities till the year 1892. The
diagram attached hereto is a correct diagram of the family of Jane
Frazier. Tom Frazier of Talahanie, I.T. is an own cousin of mine,
and the records will show that his right was never denied.

(signed)

MAGGIE F. RICHERRSON.

Witness:

H. F. Gilbert.

Subscribed and sworn to before me this the 18 day of March, 1902.

H. F. GILBERT,
Notary Public.

(SEAL)

R-278

(Copy)

Indian Territory
Southern District

W. M. Sledge being duly sworn on his oath states
I am a brother of D.T.Sledge the applicant herein. I was admitted
to citizenship in the Choctaw Nation by the Dawes Commission in the
year 1896, and my case was appealed to the U. S. Court at South
McAllester, I.T. by the Choctaw Nation, and the decree of the Dawes
Commission was by the court affirmed. The applicant herein and
myself are the children of Jane Sledge whose maiden name was Jane
Frazier, and a half brother of Maggie F. Richerson a witness herein.
The diagram attached to the back of these affidavits is a correct
diagram of the family of Jane Frazier. The applicant herein is a
Mississippi Choctaw Indian and a decendent of resident Miss.Indians.

(signed)

W. M. (his x mark) SLEDGE.

Witness:

H. F. Gilbert.

Subscribed and sworn to before me this the 18 day of March, 1902.

(signed)

H. F. GILBERT,
Notary Public.

(SEAL)

(ENDORSEMENT)
(on wrapper)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 20 1902

Tams Bixby, Acting Chairman.

7-R-278

7-2-276.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Daniel T. Sledge and his two minor children Nona and Leda R. Sledge as citizens by blood of the Choctaw Nation, and for the enrollment of Lula Sledge as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that in September, 1899, Daniel T. Sledge appeared before this Commission and made application for the enrollment of himself and his two minor children, Nona and Leda R. Sledge, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Lula Sledge, as a citizen by intermarriage of the Choctaw Nation.

It further appears from the census card record in this case that Daniel T. Sledge is a son of E. L. Sledge, a noncitizen white man, and Jane Sledge, an alleged Choctaw; that Lula Sledge, who claims rights as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to Daniel T. Sledge, is the daughter of Andy McMurtry and Mary McMurtry, both of whom are white persons, and that the minor applicants herein are the children of said Daniel T. Sledge and Lula Sledge.

It does not appear from the evidence in this case or the records in the possession of the Commission that any of the applicants herein has ever been enrolled by the tribal authorities of the Choctaw Nation; neither does it appear that any of them has ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation, nor does it appear that any of them has ever been admitted to citizenship in said nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It appears from the records of the Commission that on September 7, 1896, in the case entitled "William Sledge, et al., vs Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 817), original application was made to this Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for the admission to citizenship in the Choctaw Nation of William Sledge, a full brother of the principal applicant herein, Daniel T. Sledge; that on December 4, 1896 this Commission rendered its decision admitting the said William Sledge to citizenship in said

nation as a citizen by blood thereof; that from this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court, on October 8, 1897, in the case entitled "Wm. Sledge, et al., and Jas. McPhetridge, et al., vs Choctaw Nation" (Citizenship case number 229), entered of record a judgment affirming the decision of this Commission and admitting the said William Sledge to citizenship in said Nation.

It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory admitting the said William Sledge. Said cause was duly certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said act of Congress approved July 1, 1902, and said court on October 20, 1904, in case number 127 upon its Tishomingo docket, entered of record a decree declaring that said William Sledge is not a citizen of the Choctaw Nation.

It appears from the record herein that on February 18, 1902 the principal applicant was notified that he and his children would be allowed thirty days from the date thereof in which to submit his affidavit, corroborated by two witnesses, showing that he and his two children were entitled to be identified as Mississippi Choctaws, under the provisions of the act of Congress approved June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

On March 20, 1902, the principal applicant herein filed his affidavit wherein he states that he and his children are Mississippi Choctaws and the descendants of Jane Sledge (nee Frazier) who is alleged to have been a half blood Choctaw Indian.

It is found that the name Jane Frazier appears on page 840, Volume 1, Claimant's Brief and Evidence in the case of Choctaw Nation vs. United States before the Court of Claims, number 12742, in the affidavit of one Stephen Perry, but it does not appear from the evidence submitted by the applicants herein that the Jane Sledge (nee Frazier), through whom they claim, is the identical Jane Frazier whose name appears in the record above cited.

It does not appear from the evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied

3.

or attempted to comply with the provisions of article fourteen of the treaty of 1830, and to persons who heretofore were claimants thereunder, that the said Jane Sledge (nee Frasier) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims, by the acts of Congress approved March 3, 1837 (5 Stat., 180) and August 23, 1840 (5 Stat., 513).

It is, therefore, the opinion of this Commission that the application made for the enrollment of Daniel T. Sledge, Nona Sledge and Leda R. Sledge as citizens by blood of the Choctaw Nation, and for the enrollment of Lula Sledge as a citizen by intermarriage of the Choctaw Nation should be denied under the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAR 30 1905

7-R-278

COPY

Muskogee, Indian Territory, March 30, 1906.

Daniel T. Sledge,

Hops, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 30, 1905, denying the application for the enrollment of yourself, your children, Wema Sledge and Leda R. Sledge, as citizens by blood, and of your wife, Lula Sledge, as a citizen by intermarriage, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

WCH:EDD

Tams Bixby

Chairman.

Registered.
Incl. 7-R-278.

7-R-278

COPY,

Muskogee, Indian Territory, March 30, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered March 30, 1906, denying the application for the enrollment of Daniel T. Sledge, Nema Sledge and Leda R. Sledge, as citizens by blood, and of Lula Sledge as a citizen by intermarriage, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Incl. 7-R-278.

COPY.

Muskogee, Indian Territory, March 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Daniel T. Sledge, Wona Sledge, and Leda R. Sledge, as citizens by blood, and of Lula Sledge, as a citizen by intermarriage, of the Choctaw Nation, including the decision of the Commission, dated March 30, 1906, denying said application.

Respectfully,

~~Signature~~

Tams Bixby

Incl. T-R-276.

Chairman.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, May 18, 1905.

D.C.
I.T.D.
LRS

25907-1905.
3698-1905.

G.R.
LLB

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

March 30, 1905, you transmitted the record in the matter of the application for the enrollment of Daniel T. Sledge and his two minor children, Noma and Leda R. Sledge, as citizens by blood of the Choctaw Nation, and for the enrollment of Lula Sledge as a citizen by intermarriage of the Choctaw Nation, including your decision dated March 30, 1905, adverse to all the applicants.

April 11, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to all the applicants be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation made and your decision dated March 30, 1905, adverse to all the applicants is hereby affirmed.

Respectfully,

(signed) THOS. RYAN,
Acting Secretary

1 inclosure.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
25426-1905.

WASHINGTON. April 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 30, 1905, transmitting the record of the application for enrollment of Daniel T. Sledge for himself and his two minor children, Nona and Leda Sledge, as citizens by blood of the Choctaw Nation and for his wife, Lula Sledge as a citizen by intermarriage of said Nation.

March 30, 1905, the Commission decided adversely to all the applicants.

The record shows that the principal applicant is a son of Z. L. Sledge, a non-citizen white man, and Jane Sledge, an alleged Choctaw; that Lula Sledge, who claims rights as a citizen by intermarriage, by reason of her marriage to Daniel T. Sledge is a daughter of Andy McMurtry and Mary McMurtry both of whom are white persons; and that the minor applicants herein are the children of Daniel T. and Lula Sledge; It does not appear from the record that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal. It is further shown that on March 30, 1902, the principal applicant filed his affidavit wherein he states that he

and his children are Mississippi Choctaws and the descendants of Jane Sledge, born Frazier, who is alleged to have been a half-blood Choctaw Indian.

It does not appear from the record or from the records of this office relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who heretofore were claimants thereunder that the said Jane Sledge, born Frazier, signified in person or by proxy to any person an intention to comply with the provisions of article 14 of said treaty or was allotted land or scrip under that treaty or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very Respectfully,

C. F. Larrabee

Acting Commissioner

M.M.W.
W.

7-R-273

Muskogee, Indian Territory, May 26, 1905.

copy.

Daniel T. Sledge,

Hope, Indian Territory.

Dear Sir:

You are hereby notified that on the 18th day of May, 1905 the Secretary of the Interior affirmed the decision of this Commission, rendered March 30, 1905, denying the application for the enrollment of yourself, your children, Hona Sledge and Leda R. Sledge, as citizens by blood, and of your wife, Lula Sledge, as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

SIGNED

Jame Bixby

Chairman.

Muskogee, Indian Territory, May 26, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

COPY.

Gentlemen:

You are hereby notified that on the 18th day of May, 1905 the Secretary of the Interior affirmed the decision of this Commission, rendered March 30, 1905, denying the application for the enrollment of Daniel T. Sledge, Woma Sledge and Leda R. Sledge, as citizens by blood, and of Lula Sledge as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

SIGNED

Jame Bixby

Chairman.

COPY.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

G.R.

FHR.

D.C. 51259-1905.
I.T.D. 3698-1905.
10503-1905.
L.R.S.

November 7, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 18, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes dated March 30, 1905, denying the application for the enrollment of Daniel T. Sledge and his two minor children, Nona and Leda R. Sledge, as citizens by blood of the Choctaw Nation, and for the enrollment of Lula Sledge as a citizen by intermarriage of the Choctaw Nation.

You are requested to defer action in said case until a motion for review now pending before the Department, filed November 4, 1905, is determined.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the
Commissioner of Indian Affairs.

SECRETARY'S OFFICE
DEPARTMENT OF THE INTERIOR,
WASHINGTON, D.C.

17
G.R.

L.B.

I.T.D. 3698, 10803-1905.
18684- "
D.C. 4292-1906.

January 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 4, 1905, there was filed with the Department a petition in the nature of a motion for review of departmental decision of May 18, 1905 (I.T.D. 3698), affirming the decision of the Commission to the Five Civilized Tribes dated March 30, 1905, denying the application of Daniel T. Sledge for the enrollment of himself and his two minor children, Hena and Leda R. Sledge, as citizens by blood of the Choctaw Nation, and Lula Sledge for enrollment as a citizen by intermarriage of the Choctaw Nation.

The petition sets forth that applicant is a full brother to William Sledge, who was admitted on September 7, 1896, by the Commission under the act of Congress of June 10, 1896, as a Choctaw citizen by blood, and on appeal to the United States District Court for Central District, Indian Territory, said decision was affirmed, but upon transfer of said cause to the Choctaw and Chickasaw Citizenship Court, said William Sledge was denied citizenship by said court on October 20, 1904, but no mention of the name of Daniel T.

Sledge, full brother to William Sledge, is made in said decree, in case No. 127 upon the Tishomingo docket of said court. Said motion also refers to the fact that applicant's half-sister, Maggie F. Richardson, and her children are now upon the Choctaw rolls of citizens by blood, and have received allotments thereunder.

Explanation therefor is shown by the record in the case of Harriet Gordon et al., No. 106 upon the Tishomingo docket of the Choctaw and Chickasaw Citizenship Court, wherein said Court on October 20, 1904, in denying the application of Harriet Gordon, a full sister to Maggie F. Richardson, and a half-sister to the applicant herein, Daniel T. Sledge, stated: " If Mrs. Gordon and her children are not entitled to citizenship, Mrs. Richardson and her children's names should not appear upon the rolls of Choctaw Indians." But said Maggie F. Richardson and her children having been admitted by the Commission under the act of June 10, 1896, and no appeal having been taken from said decision, said citizenship court had no jurisdiction to pass upon her case, and consequently her name now stands on the approved rolls of the citizens of the Choctaw Nation, No. 14286 thereon.

Daniel T. Sledge, petitioner herein, stated that his mother, Jane Frazier, daughter of Thomas Frazier, a one-half blood Choctaw, first married a white man by the name of Carroll Tucker, and afterwards married Z.L.Sledge, applicant's father, and refers to the record of case, in Court of Claims, of Choctaw Nation vs. United States, volume 1, page 840. An examination of said record shows that the Jane Frazier mentioned therein was

not the daughter of Thomas Frasier, applicant's grandfather, but of one Charles Frasier; that she did not first marry Carroll Tucker, a white man, but that she married about the time of the treaty "a half-blood Chickasaw," and as was said by the court in Choctaw-Chickasaw citizenship case of Harriet Gordon et al. vs. Choctaw and Chickasaw nations, No. 106 upon the Tishomingo docket, as the mother of Mrs. Gordon, who is a half-sister to Daniel T. Sledge and the issue of the same mother, Jane Frasier, "could not have been the same Jane Frasier as is mentioned in the Government records." Applicant admits that neither he nor his children appear upon any of the tribal rolls of the Choctaw Nation.

The Department is of opinion that its decision of May 18, 1905 (ITD 3688), denying the application of Daniel T. Sledge et al. as citizens by blood of the Choctaw Nation is correct, and applicant's petition for review and reopening thereof is denied.

Respectfully,

Thos. Ryan
First Assistant Secretary.

7-R-278

COPY.

Muskogee, Indian Territory, February 19, 1906.

Daniel T. Sledge,

Hope, Indian Territory,

Dear Sir:

You are hereby advised that on January 30, 1906, the Secretary of the Interior held that his decision of May 18, 1905, denying the application of Daniel T. Sledge et al., for enrollment as citizens of the Choctaw Nation is correct, and your petition for review and reopening thereof, was denied on January 30, 1906.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

7-R-278

Muskogee, Indian Territory, February 19, 1906.

COP.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on January 30, 1906, the Secretary of the Interior held that his decision of May 18, 1905, denying the application of Daniel T. Sledge et al., for enrollment as citizens of the Choctaw Nation is correct, and their petition for review and reopening thereof, was denied on January 30, 1906.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

Huskogee, Indian Territory, February 1, 1901.

Joe Petegrew,

Doyle, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th instant relative to the rights of Jim and Dan Sledge as citizens of the Choctaw Nation.

Replying to your letter you are informed that the records of the Commission do not show that any application has ever been made by any party by the name of Jim Sledge for enrollment as a citizen of the Choctaw nation.

It does appear however, relative to Dan Sledge, that at South McAlester, Indian Territory, in September, 1899, Daniel T. Sledge, 28 years of age, appeared before the Commission and made application for enrollment as a citizen of the Choctaw Nation and that the Commission refused his enrollment and subsequently thereto and on June 15th, 1900, he again appeared before the Commission and made application for the enrollment of himself, his wife Lula Sledge and two children, Nena and Leda R. Sledge as citizens of the Choctaw nation but at that time offered no additional testimony which would in any manner substantiate his claim to enrollment as a citizen of the Choctaw Nation.

Yours truly,

Chectaw R-278

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application
for enrollment of Daniel T. Sledge
for himself and his three minor
children: Lula Sledge, Leona Sledge
and Lelia Sledge, as citizens by
blood of the Chectaw Nation.

To Daniel T. Sledge,

Velma, Indian Territory.

You are hereby notified that you and
your children will be allowed thirty days from the date hereof,
to submit to this Commission an affidavit, corroborated by two
witnesses, showing that you and your children are entitled to
be identified as Mississippi Chectaws, under the Act of Congress
of June 28, 1898, which provides as follows:

"Said Commission shall have authority to de-
termine the identity of Chectaw Indians claiming
rights in the Chectaw lands under Article Fourteen
of the Treaty between the United States and the
Chectaw Nation, concluded September twenty-seventh,
Eighteen Hundred and Thirty, and to that end may ad-
minister oaths, examine witnesses and perform all
other acts necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the cer-

D. T. S., S.

roborating witnesses, and must set forth the fact that you and your children are descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

Register.

Commissioner in Charge.

Muskogee, Indian Territory, March 20, 1902.

Daniel T. Sledge,

Velma, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit and the affidavits Maggie F. Richerson and W. M. Sledge, and the same have this day been duly filed with the records of this office.

Said affidavits allege that you and your two minor children Leonia and Lelia Sledge are the descendants of a Choctaw Indian who resided in the state of Mississippi in the year 1830 and who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

You are now advised that if it is your intention to prosecute your rights and the rights of your children as Mississippi Choctaws as the descendants of such Choctaw Indian, it is necessary for you to appear before the Commission in person for the purpose of examination under oath, so that a sufficient record can be made upon which the rights of yourself and your children to such identification can be determined. Such appearance should be made within thirty days from the date hereof at the office of the Commission.

D T S S

at Muskogee, Indian Territory, and if at the expiration of that time no personal application is made by you for the identification of yourself and your children as Mississippi Choctaws, it will be the presumption of the Commission that it is not your intention to further prosecute such rights and the Commission will then pass upon the record in the matter of your application for the enrollment of yourself and children as citizens of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 27, 1903.

D. J. Sledge,

Hope, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 20, asking if you can be dispossessed of your allotment before your case is finally determined.

In reply to your letter you are informed that it appears from our records that you are an applicant for the enrollment of yourself, your wife, Lula Sledge, and your children, Nona and Leda R. Sledge, as citizens of the Choctaw Nation, and that your final rights to such enrollment have not yet been determined. It does not appear, however that any of the applicants have been recognized or enrolled by the tribal authorities of the Choctaw Nation as citizens of that nation. As soon as a decision is reached in your case you will be notified of the action of the Commission.

Relative to your selection of allotment, your attention is invited to sections fifteen and sixteen of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, copy of which is herewith inclosed.

Respectfully,

Rules for allotment.

Chairman.

Muskogee, Indian Territory, May 27, 1903.

D. T. Sledge,

Hope, Indian Territory.

Dear sir:

Your letter of May 14th addressed to the Secretary of the Interior has been by him referred to this Commission for consideration and appropriate action. You ask therein how to proceed in order to secure your rights.

In reply to your letter you are informed that it appears from our records that Daniel T. Sledge is an applicant to this Commission for the enrollment of himself and his children Nona and Leda R. Sledge as citizens by blood of the Chectaw Nation, and for the enrollment of his wife Lula Sledge as an intermarried citizen of the Chectaw Nation, but their final rights to such enrollment have not yet been determined. As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, May 18, 1905.

D.C. 25907-1905.
I.T.D. 3698-1905.
LRS

G.R.
JLN

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 30, 1905, you transmitted the record in the matter of the application for the enrollment of Daniel T. Sledge and his two minor children, Wena and Leda R. Sledge, as citizens by blood of the Choctaw Nation, and for the enrollment of Julia Sledge as a citizen by intermarriage of the Choctaw Nation, including your decision dated March 30, 1905, adverse to all the applicants.

April 11, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to all the applicants be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation made and your decision dated March 30, 1905, adverse to all the applicants is hereby affirmed.

Respectfully,

1 inclosure.

(signed) THOM. RYAN,
Acting Secretary

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
25426-1905.

WASHINGTON. April 11, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 30, 1905, transmitting the record of the application for enrollment of Daniel T. Sledge for himself and his two minor children, Nona and Leda Sledge, as citizens by blood of the Choctaw Nation and for his wife, Lula Sledge as a citizen by intermarriage of said Nation.

March 30, 1905, the Commission decided adversely to all the applicants.

The record shows that the principal applicant is a son of Z. L. Sledge, a non-citizen white man, and Jane Sledge, an alleged Choctaw; that Lula Sledge, who claims rights as a citizen by intermarriage, by reason of her marriage to Daniel T. Sledge is a daughter of Andy McMurtry and Mary McMurtry both of whom are white persons; and that the minor applicants herein are the children of Daniel T. and Lula Sledge; It does not appear from the record that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal. It is further shown that on March 30, 1905, the principal applicant filed his affidavit wherein he states that he

and his children are Mississippi Choctaws and the dependants of Jane Sledge, born Frazier, who is alleged to have been a half-blood Choctaw Indian.

It does not appear from the record or from the records of this office relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who heretofore were claimants thereunder that the said Jane Sledge, born Frazier, signified in person or by proxy to any person an intention to comply with the provisions of article 14 of said treaty or was allotted land or scrip under that treaty or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very Respectfully,

G. F. Larrabee

Acting Commissioner

M. M. W.
W.

COPY.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

G.R.

FHE.

D.C. 51252-1905.
I.T.D. 3698-1905.
10503-1905.
L.R.S.

November 7, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 18, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes dated March 30, 1905, denying the application for the enrollment of Daniel T. Sledge and his two minor children, Nona and Leda R. Sledge, as citizens by blood of the Choctaw Nation, and for the enrollment of Lula Sledge as a citizen by intermarriage of the Choctaw Nation.

You are requested to defer action in said case until a motion for review now pending before the Department, filed November 4, 1905, is determined.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the
Commissioner of Indian Affairs.

SECRETARY'S OFFICE
DEPARTMENT OF THE INTERIOR,
WASHINGTON, D.C.

G.R.

LLB

I.T.D. 3698, 10503-1905.
18684-
D.C. 4292-1906.

January 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 4, 1905, there was filed with the Department a petition in the nature of a motion for review of departmental decision of May 18, 1905 (I.T.D. 3698), affirming the decision of the Commission to the Five Civilized Tribes dated March 30, 1905, denying the application of Daniel T. Sledge for the enrollment of himself and his two minor children, Nona and Leda R. Sledge, as citizens by blood of the Choctaw Nation, and Lula Sledge for enrollment as a citizen by intermarriage of the Choctaw Nation.

The petition sets forth that applicant is a full brother to William Sledge, who was admitted on September 7, 1896, by the Commission under the act of Congress of June 10, 1896, as a Choctaw citizen by blood, and on appeal to the United States District Court for Central District, Indian Territory, said decision was affirmed, but upon transfer of said cause to the Choctaw and Chickasaw Citizenship Court, said William Sledge was denied citizenship by said court on October 20, 1904, but no mention of the name of Daniel T.

Sledge, full brother to William Sledge, is made in said decree, in case No. 127 upon the Tishomingo docket of said court. Said motion also refers to the fact that applicant's half-sister, Maggie F. Richardson, and her children are now upon the Choctaw rolls of citizens by blood, and have received allotments thereunder.

Explanation therefor is shown by the record in the case of Harriet Gordon et al., No. 106 upon the Tishomingo docket of the Choctaw and Chickasaw Citizenship Court, wherein said Court on October 20, 1904, in denying the application of Harriet Gordon, a full sister to Maggie F. Richardson, and a half-sister to the applicant herein, Daniel T. Sledge, stated: "If Mrs. Gordon and her children are not entitled to citizenship, Mrs. Richardson and her children's names should not appear upon the rolls of Choctaw Indians." But said Maggie F. Richardson and her children having been admitted by the Commission under the act of June 10, 1896, and no appeal having been taken from said decision, said citizenship court had no jurisdiction to pass upon her case, and consequently her name now stands on the approved rolls of the citizens of the Choctaw Nation, No. 14286 thereon.

Daniel T. Sledge, petitioner herein, stated that his mother, Jane Frazier, daughter of Thomas Frazier, a one-half blood Choctaw, first married a white man by the name of Carroll Tucker, and afterwards married Z.L. Sledge, applicant's father, and refers to the record of case, in Court of Claims, of Choctaw Nation vs. United States, volume 1, page 840. An examination of said record shows that the Jane Frazier mentioned therein was

not the daughter of Thomas Frazier, applicant's grandfather, but of one Charles Frazier; that she did not first marry Carroll Tucker, a white man, but that she married about the time of the treaty "a half-blood Chickasaw," and as was said by the court in Choctaw-Chickasaw citizenship case of Harriet Gordon et al. vs. Choctaw and Chickasaw nations, No. 106 upon the Tishomingo docket, so the mother of Mrs. Gordon, who is a half-sister to Daniel T. Sledge and the issue of the same mother, Jane Frazier, "could not have been the same Jane Frazier as is mentioned in the Government records." Applicant admits that neither he nor his children appear upon any of the tribal rolls of the Choctaw Nation.

The Department is of opinion that its decision of May 18, 1905 (ITD 3688), denying the application of Daniel T. Sledge et al. as citizens by blood of the Choctaw Nation is correct, and applicant's petition for review and reopening thereof is denied.

Respectfully,

Thos. Ryan
First Assistant Secretary.

Muskogee, Indian Territory, January 30, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of November 7, 1905 (ITD 3698, 10803-1905), requesting that action be deferred in the matter of the application for the enrollment of Daniel T. Sledge and minor children, Nona and Leda R. Sledge as citizens by blood, and of Lula Sledge, as a citizen by inter-marriage, of the Choctaw Nation, until a motion for review now pending before the Department is determined.

I have the honor to report that it appears from the records of this office that on March 30, 1905, the Commission to the Five Civilized Tribes rendered its decision refusing the application for the enrollment of Daniel T. Sledge, his wife and two minor children, as citizens of the Choctaw Nation and on May 18, 1905, this action was approved by the Secretary of the Interior.

Notices of Departmental action in this case were forwarded the applicant and the attorneys for the Choctaw and Chickasaw Nations, on May 26, 1905.

Secretary 2.

In compliance with Departmental directions of November 7, 1905, no further action will be taken in this case.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Commissioner.

7-E-278.

7-R-278

Muskogee, Indian Territory, January 30, 1906.

Kansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of November 15, 1905, asking for copies of all the oral testimony taken in the Mississippi Choctaw case of Daniel T. Sledge et al.

In reply to your letter you are advised that it does not appear that application has been made by or on behalf of Daniel T. Sledge, his wife, Lula Sledge, and his children, Nona and Leda R. Sledge, as Mississippi Choctaws.

It appears, however, that Daniel T. Sledge made application at South McAlester, Indian Territory, in 1899, for enrollment as a citizen of the Choctaw Nation, and on June 15, 1900 further proceedings were had in his case, and Daniel T. Sledge appeared before the Commission to the Five Civilized Tribes at Colbert, Indian Territory on June 15, 1900 and made application for his wife, Lula Sledge and his children, Leona and Leda R. Sledge for enrollment as citizens of the Choctaw Nation and on February 18, 1902, a letter was addressed to him at Velma Indian Territory advising him that he would be allowed

M McN & C #2

thirty days from that date within which to submit an affidavit corroborated by two witnesses showing that he and his family were entitled to be identified as Mississippi Choctaws.

The affidavits of Daniel T. Sledge, Mattie F. Richardson and W. M. Sledge were filed in response to this notice, but no further action was taken by them, and on March 30, 1905, the Commission to the Five Civilized Tribes rendered its decision holding that Daniel T. Sledge, Mena Sledge and Leda R. Sledge were not entitled to enrollment as citizens by blood of the Choctaw Nation and that Lula Sledge was not entitled to enrollment as an intermarried citizen of said nation, and their application for enrollment as such citizens was denied. On May 18, 1905, this action was approved by the Secretary of the Interior.

In compliance with your request there are inclosed herewith copies of the testimony of Daniel T. Sledge at South McAlester, Indian Territory, in 1899, and at Colbert, Indian Territory on June 15, 1900, together with receipt therefor which please sign and return to this office.

Respectfully,

LM 3/29

Acting Commissioner.

7-R-278

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

FEB 3 - 1906



COMMISSIONER.

7-R-278

Received of the Commissioner to the Five Civilized Tribes copies of the testimony of Daniel T. Sledge at South McAlester, Indian Territory, in 1899, and at Colbert, Indian Territory on June 15, 1900, in the matter of the application for the enrollment of Daniel T. Sledge, Lula Sledge, Nona Sledge and Leda R. Sledge as citizens of the Choctaw Nation.

Mansfield M. Murray Borish

Muskogee, Indian Territory,

January 30, 1906.

Muskogee, Indian Territory, June 9, 1906.

Gilbert & Bond,
Attorneys at Law,
Duncan, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 28, 1906, transmitting affidavits of Hetty M. Sledge and C. C. Richards to the birth of Harry G. Sledge and Louelga Sledge, April 19, 1905, and October 17, 1903, children of Daniel T. and Hettie M. Sledge.

Receipt is also acknowledged of your letter of June 1, 1906, transmitting joint affidavits of J. E. McCaulley and Eliza C. McCaulley to the birth of Daniel Oscar Sledge, child of Daniel T. and Louada Sledge, January 25, 1902.

You are advised that on January 30, 1906, the Secretary of the Interior denied the motion for a rehearing in the matter of the application of Daniel T. Sledge et al., for enrollment as citizens of the Choctaw Nation and there is no application pending before this office for the enrollment of these persons.

Receipt is also acknowledged of the affidavits of Ida C. Marler and Mrs. Wood Parks to the birth of Mary Ina Marler, child of John M. and Ida C. Marler, January 1, 1902.

G. & B. #2

You are advised that on June 29, 1904, the Choctaw and Chickasaw Citizenship Court denied the citizenship in the Choctaw Nation of Ida Marler and her children.

Respectfully,

Commissioner.

7-B-278

Muskogee, Indian Territory, June 11, 1906.

Gilbert & Bond,
Attorneys at Law,
Duncan, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 28, 1906, transmitting affidavits of Hetty M. Sledge and C. C. Richards to the birth of Harry G. Sledge and Louolga Sledge, children of Daniel T. and Hettie M. Sledge, April 19, 1905, and October 17, 1903.

Receipt is also acknowledged of your letter of June 1, 1906, transmitting joint affidavits of J. W. McCaulley and Eliza C. McCaulley to the birth of Daniel Oscar Sledge, child of Daniel T. and Louada Sledge, January 25, 1902.

You are advised that on January 30, 1906, the Secretary of the Interior denied the motion for a rehearing in the matter of the application of Daniel T. Sledge et al., for enrollment as citizens of the Choctaw Nation and there is no application pending before this office for the enrollment of these persons.

Receipt is also acknowledged of the affidavits of Ida C. Marler, and Mrs. Wood Parks to the birth of Mary Ida Marler, child of John M. and Ida C. Marler, January 1, 1902.

G. & B. #2

You are advised that on June 29, 1904, the Choctaw and Chickasaw Citizenship Court denied the citizenship in the Choctaw Nation of Ida Harlow and her children.

Respectfully,

Commissioner.

MEMORANDA.

1900

(Date) June 15 1899.

Name Daniel T. Sledge - (1) - Velma, D.

Choctaw? yes County Year No.

Chickasaw? no County Year Page

Citizen by blood? yes Mother's citizenship (1/2)

Intermarried citizen? no

Married under what law? United States Law

License filed this day.

Wife's name. Lula Sledge

Choctaw? no County Year No.

Chickasaw? no County Year Page

Citizen by blood? no Mother's citizenship

Intermarried citizen? yes

Married under what law? United States Law

License filed this day.

Names of children:

4) Mona
1) Leda R

Personal of Sledge before marriage

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

(father) - J. L. Sledge. (1) (1)

(mother) - Jane Sledge. (1) (1)

name before marriage - Jane Sledge

On marriage license Luranda Claims

Lula Aranda.

is 71278
Choctaw Nation

DECISION RENDERED. MAR 30 1905

REFUSED MAR 30 1905

COPY OF DECISION FORWARDED

APPLICANT MAR 30 1905

COPY OF DECISION FORWARDED

ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAR 30 1905

RECORD FORWARDED DEPARTMENT.

MAR 30 1905

Judgment written March 26, 1905
W.C.

May 18 1905
ACTION APPROVED BY
SECRETARY OF INTERIOR
MAY 18 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAY 26 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 26 1905

*Jan. 30. 1906 Motion for rehearing
denied by Dept.*

*Feb. 19. 1906. Applicant and Attys
in Nations notified.*

Choc R279

James S. Smith

R279

Commission to the Five Civilized Tribes,

Atoka, I. T., Dec. 6th, 1899.

In the application of James S. Smith for enrollment as a Choctaw; being sworn and examined by Com'r McKernon he states:

Q What is your name? A James S. Smith.

Q How old are you? A According to the old gentleman that raised me I am about sixty-eight the 15th day of last March I think.

Q Where were you born? A Born here in Kiamitia County, Choctaw Nation, there is where he said; he knows more about it than I do.

Q What was your mother? A She was a Choctaw Indian woman, - Lottie Neal.

Q She wasn't a slave? A ~~I never~~ No sir.

Q What was your father? A I never knew him.

Q Don't know who he was nor what he was? A No sir, I never knowed him.

Q Is your mother living? A No sir, she is dead, and I am the only child.

Q How long has she been dead? A She died when I was small.

You have never been enrolled on the Choctaw roll?

A All I have done was when I was enrolled ~~by the~~ up yonder, I just handed the papers to Mr. Telle.

Q You mean when you went before the United States Indian Agent, Judge Tufts, he gave you a paper which you brought down and handed to Mr. Telle? A Yes sir.

Q Were you ever on the Choctaw rolls, did they ever enroll you as a Choctaw Indian? A He did then.

Q On what roll? A I don't know how he fixed it.

Q When was that? A That was in 1888.

Q Have you been on any other roll since that time? A No sir, not at all.

James S. Smith #2)

Q You say that you have not been living in the Choctaw or Chickasaw country all the time, you have been traveling about over the country? A Yes sir, I have been traveling about, sometimes in the Creek Nation and sometimes in Texas.

Q By Com'r Needles:

Q Have you got a family? A My wife is dead. I have got no family. My children are down in Texas; my wife has been dead going on four years.

Examined by Chief Com'r Lewis:

Q You say you are sixty years old? A Sixty-eight.

Q Where were you born, in this country or in the old Nation?

A In Kiamitia county down here.

Q And during all that time you have never drawn annuity with the Choctaws? A No sir, when they drew the net proceeds here before I was train wrecked and couldn't travel.

Q Com'r McFadden: Where were you when they drew the Leased District? A I have not been able to travel for about twelve years.

Examined by Chief Com'r Lewis:

Q When they paid off the annuities down there about Doakesville they paid off for several years, didn't you never get anything?

A I never heard of anything at all.

Q Did you ever lay your case before the Dawes Commission in 1896?

A No sir, I wasn't here; I might have been here, but I wasn't before then.

Q Where was your wife living at the time she died? A She died in Texas.

Q How long did you live in Texas? A I lived in Texas a long time.

Q About how long? A I don't believe I can remember.

Q Was it a hundred years or twenty-five years? A Oh no sir, or course not; I expect I was there ten or fifteen years or something

James B. Smith #3)

like that, I don't know for certain.

Q When was that? A It has been about three or four years ago, if I live to see this coming February it will be four years since my wife died, and she died down there.

Q And you were living there then? A Yes sir.

Q When did you come back here? A It has been over a year since I came back; I was down here in ~~Texas~~ Tushkahomma.

Q About how long since you came back from Texas? A I reckon it has been maybe a year and maybe two or three months.

Q You lived in Texas up to that time? A For eight or ten years.

Q Ten or fifteen years? A Ten or fifteen years, yes sir.

Examined by A. Telle:

Q Did you come up here in the summer? A Yes sir, I was at Tushkahomma before me and ~~him~~ you met up here.

(Here A. Telle states that it must have been in October when he was at Tushkahomma.)

Examined by Com'r McKennon:

Your name is not found upon any of the Choctaw rolls, and you having moved here from Texas since the 28th of June 1888, we have no authority to enroll you, and your enrollment will be refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the above is a true and correct transcript of the original record of this Commission, and that this transcript is a true and correct translation of my stenographic notes.

M. D. Owen

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James S. Smith for enrollment as a citizen by blood of the Choctaw Nation.

DECISION.

It appears from the record in this case that the applicant, James S. Smith, appeared before the Commission at Ada, Indian Territory, on the 6th day of December, 1909, and then and there made personal application for the enrollment of himself as a citizen by blood of the Choctaw Nation.

At the hearing in this case Choctaw Commissioners Lewis and Telle were present and represented said Choctaw Nation.

It appears from the evidence submitted that the applicant has not lived in Indian Territory until within a few months prior to the date of this application, and that theretofore he had lived in Texas for a number of years.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does

his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 498), as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the secretary of the Interior."

the applicant was, on the 16th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 498), and a portion of the 21st section thereof, provides as follows:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their dependents born since such rolls were made with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

And also the following:

"No person shall be enrolled who has not heretofore moved to and in good faith settled in the nation in which he claims citizenship."

The applicant, James B. Smith, not having moved to and in good faith settled in the Indian Territory prior to June 28, 1898, it is not now within the authority of this Commission to enroll him as a citizen of the Choctaw Nation under the provisions of the act of June 28, 1898.


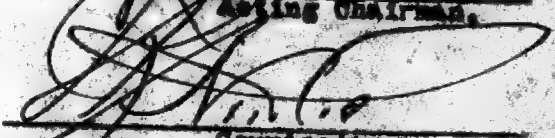

The act of Congress of May 31, 1900, (31 Stats., 821), and a portion of the second paragraph thereof, provides as follows:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and who has not been lawfully enrolled as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that James B. Smith is not lawfully entitled to be enrolled as a member

of the Cheetaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAY -9 1907

Chester B-279.

COPY.

Mustang, Indian Territory, May 9, 1902.

Mansfield, Kellum & Gervin,

Attorneys for the Cheate and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James H. Smith as a citizen of the Cheate Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the result.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

2 enclosures.
Chester B-279.

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by James S. Smith for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of James S. Smith as a citizen of said nation.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

1 enclosure.
Choctaw R-279.

Through the Commissioner
of Indian Affairs.

(COPY)

Land.

29,240-1902. DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, June 2, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of James M. Smith for enrollment as a Choctaw citizen.

The application was refused by the Commission.

It appears from the record that the applicant does not claim as a Mississippi Choctaw, and that he has never been enrolled, admitted or recognized as a Choctaw citizen.

It is the opinion of this office that the Commission had no authority to enroll said applicant under the provisions of the existing law.

I therefore respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,
Your obedient servant,

A.C. Tonner,
Acting Commissioner

(E.S.S.)P.

(COPY)

D.C.No. 10022

34083

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 3461-1902.
L.R.S.

June 9, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 9, 1902, you transmitted the record in the matter of application for enrollment of James S. Smith as a citizen of the Choctaw Nation. You refused the application, as the applicant has never been duly enrolled or admitted to citizenship in said nation, and did not reside in Indian Territory June 28, 1898. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision is inclosed.

The Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan.
Acting Secretary.
E.M.D.

COPY.

Chod.R. 279.

Muskogee, Indian Territory June 23, 1902.

James A. Smith,
Atoka, Indian Territory,

Dear Sir:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

T. B. Needles.

(SIGNED)

Commissioner in Charge.

COPY.

Choctaw R. 279.

Waskoge, Indian Territory June 25, 1902.

Messrs. Mansfield, McMurtry & Cernish,
Attorneys, for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the Application made by James S. Smith for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED *T. B. Needles.*

Commissioner in Charge.

Reg. 1301
113

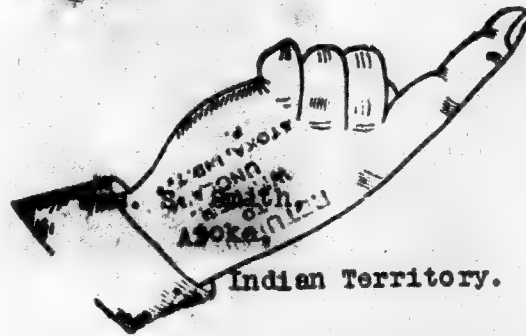


Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



2624

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COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-279

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application)
of Jas. S. Smith, for the enrollment of)
himself as a citizen by blood of the)
Choctaw Nation.)

To Jas. S. Smith,

Atoka, Indian Territory.

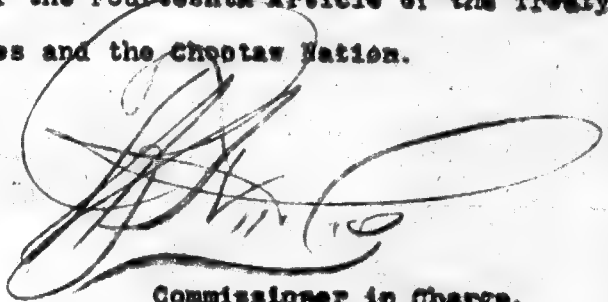
You are hereby notified that you will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the Act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the State of Mississippi in 1830,

J. S. S., 2.

and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, featuring a prominent loop and a long horizontal stroke extending to the right.

Commissioner in Charge.

Register.

Reg 227



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

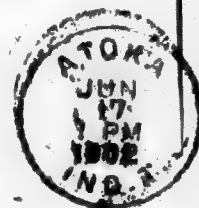
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UNCLAIMED.

unknown

James S. Smith,

RETURN TO WRITER.



Atoka, Indian Territory.

Wm 019

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-279.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 9, 1902.

James S. Smith,
Atoka, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure.
Choctaw R-279.
Registered.

in the matter of the application
of James S. Smith for enrollment
a citizen by blood of the Choctaw
Nation.

REFUSED MAY -9 1902

**COPY OF DECISION FORWARDED
APPLICANT** MAY -9 1902

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.**
MAY -9 1902

RECORD FORWARDED DEPARTMENT MAY -9

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.** JUN 23 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.** JUN 23 1902

CHOCTAW.

R. 280

Cynthia A. Smith

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. #328, as L

*Virgil Smith see #329;
for Ida B. Smith see #330.*

Choc R281 John W. Smith

R281

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the application of John W. Smith for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A John W. Smith.
Q How old are you? A Sixty.
Q Were ever you on the Choctaw rolls here in the Choctaw Nation?
A No sir.
Q Were your father and mother ever on the rolls here in the Choctaw Nation? A I don't know; they claimed to be Choctaws.
Q Where did they live? A In Texas.
Q Did they die there? A Yes sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that the official on & as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. Deane

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 19, 1900.

In the matter of the application for the enrollment of John W. Smith, and his minor children as Choctaws by blood. John W. Smith, being first duly sworn by Acting Chairman, Bixby, testifies as follows:

- Q What is your name? A John W. Smith.
Q How old are you? A Sixty.
Q What is your postoffice address? A/B Hoxbar, I.T.
Q What Nation is that in? A Chickasaw.
Q You live at Hoxbar? Q Yes sir.
Q What do you do? A I farm and run a gin.
Q What is your father's name? A Madison Smith?, known as Nat Smith
Q Is he living? A No sir.
Q What is your mother's name? Margaret Smith; she is also dead.
Q Who do you claim your rights as a Choctaw through. A My Father.
Q Was your father ever recognized by the tribal authorities of the Choctaw Nation as a citizen? A We had citizens living with and he was recognized by them
Q Was your father's name upon any of the tribal rolls? A Not that I know of; he talked a great deal about it before the War, but I don't know.
Q Do you know whether he ever applied to the tribal authorities? A I do not think he ever did; he was recognized by the tribal authorities.
Q That is you mean one or two citizens looked upon him as an Indian?
Q Yes sir, that's all.
Q I am talking about the authorities; did they recognize him. A I don't think they did.
Q Was he regularly adopted by the Choctaws? A No sir, not that I know of.
Q Did he have Choctaw blood? A Yes sir, he was one-fourth Choctaw.
Q Did the Choctaw Council adopt him? A Not that I know of.
Q Was he ever on the Choctaw rolls. A No sir.
Q Was your name ever on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Were you ever recognized by the Choctaw tribal authorities? A Not that I know of.
Q You have never been recognized by the Choctaw tribal authorities?
A Not that I know of, have been recognize by the people around my home, but not by the authorities.
A Never been adopted by the Council. A No sir.
Q Did you ever apply to the tribal authorities? A No sir.
Q Did you apply to the Commission to the Five Civilized Tribes under the Act of Congress, June 10th, 1896? A No sir.
Q Have you ever applied to this Commission before. A Yes sir.
Q When? A In '99, at South McAlester.
Q Do you know what action the Commission took in your case at that time? A I don't know; they asked me if I have ever been on any roll.
Q Did the Commission at that time refuse your application? A They asked me if my father's name was on the roll; that's about all I remember.
The testimony of John W. Smith in his application as a Choctaw at South McAlester on September 1899 offered in evidence, marked exhibit "A" and filed.
Q Are you married? A I have been; she's dead.
Q What was your wife's name? A Rebecca J. Smith.
Q Have you any children under 21 and unmarried for whom you desire to make application? A Yes sir.
Q What are their names? A I can't tell without looking at my records I will read them off of this evidence; Earl Smith IV, Sylvester

John W. Smith -2-

Smith 13, Lester Smith 10, Minnie 8.

Q These children are all living with you? A Yes sir.

Q You understand that your married daughters must make applications for themselves? A Yes sir.

Q You are the father and the natural guardian of these four children? A Yes sir, they have never lived only with me.

Q How long have you lived in the Indian Territory? A Six years.

Q Have you or your children been out of the Territory within the last three years? A No sir.

Q What proportion of Choctaw blood do you claim to have. A. One-eighth.

Q You claim one-sixteenth of these children? A Yes sir.

Q Now, are there any additional statements that you wish to make at this time in regard to your claim. A Yes sir, I have a sister whose mind is no right, she has been in my family ever since our father died and through neglect on the part of the lawyer she was left out; she can't look out for herself and I have to look after her; she ought to be in this application.

Q Where is she? A Right at my house now.

The Rules of the Department require that all applicants for enrollment in any Nation must appear in person before this Commission. (Witness) If she was here what could she say?

(Com'n) She could appear in person and her guardian could answer for her. (Witness) My sister could hand in her testimony.

You understand that the Department will not consider evidence written testimony of affidavits in regard to your case except such as are filed with your application; each case must stand upon its own merits and cannot be considered in connection with testimony in another case; that is the testimony in one case cannot apply to another.

Q Are there any papers that you now desire to file in support of your application? A I have none, only this application; all the papers that I had were with the first application.

Application of John W. Smith offered in evidence marked Exhibit "B" and filed.

Q Is that all you wish to say? A That is all I can do now.

If you desire to file any papers in the future the Commission will accept them, not for its consideration, but for forwarding to the Honorable Secretary of the Interior for his consideration when the final roll of the Choctaw Nation are forwarded to him for approval. All such papers must go through this Commission. (Commission to attorney) Are there any questions you want to ask this man? A No sir.

The decision of this Commission as to your claim on behalf of yourself and on behalf of your minor children for enrollment as citizens of the Choctaw Nation by blood, will be mailed to you in writing at your present postoffice address in the near future.

A. McElrath, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 14 day of Aug 1900.

A. McElrath
Acting Chairman.

C O P Y .

To The Honorable Commissioner of Indian Affairs,
Washington, D. C.

Your petitioner would most respectfully represent that he is a citizen of the Choctaw Nation by blood, that his name is J. W. Smith and his age sixty years. That he was married to Rebecca Harris in Hopkins County, Texas, in the year 1866. That she is now dead. That he had by her as issue of that marriage six children. Myra Smith ne White and that she has two children, Lizzie White age 5 and John White age 3; that he was married twice, and has as a result of these marriages seven children, all living, as follows: Pearl Smith ne Thompson age 20, she has one child, Rivers Thompson age nine months, Savannah Smith ne Overton age 19, Earl Smith age 17, Sylvester Smith age 13, Lester Smith age 10, Minnie Smith age 8. Your petitioner would further state that his father was a one-fourth Choctaw Indian by blood, and was born in Tennessee, and removed from there to Texas where he died. That he always of his own knowledge knew that he was a Choctaw Indian, was recognized as such by the Indians and showed by personal appearance that he was a part Indian.

Your petitioner further alleges that in September 1899 your petitioner appeared before the Dawes Commission at South McAlester, I. T., and presented his application of himself, children and grandchildren for enrollment, and that said commission refused to enroll him or to take any record of their case.

Wherefore your petitioner asks that he and the above named members of his family be enrolled as citizens of the Choctaw Nation with the privileges, rights and immunities thereto belonging.

J. W. SMITH.

Indian Territory,
Southern District.

Before me the undersigned authority personally appeared
J. W. Smith being by me duly sworn on his oath states that he has
read the above and foregoing petition and that the matters and things
therein set forth are true.

Subscribed and sworn to before me the 16th day of April
1900.

HARRY F. GILBERT,

Notary Public.

C O P Y .

Chectaw R-251

Muskogee, Indian Territory, February 19, 1902.

In the matter of the application of John W. Smith, for himself and his four minor children: Earl, Smith, Sylvester Smith, Lester Smith, and Minnie Smith, as citizens by blood of the Chectaw Nation.

To John W. Smith,

Haxbar, Indian Territory.

You are hereby notified that you and your children will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your children are entitled to be identified as Mississippi Chectaws, under the act of Congress of June 25, 1896, which provides as follows:

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your children are descendants of Chectaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Chectaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Chectaw Nation.

Commissioner in Charge.

Register.

C O P Y .

Indian Territory,
Southern District.

In the matter of the application of John W. Smith for himself and his four minor children: Marie Smith, Sylvester Smith, Lester Smith and Minnie Smith, citizens by blood of the Choctaw Nation. Before me the undersigned authority, this day personally appeared John W. Smith, who being by me first duly sworn to tell the truth, the whole truth and nothing but the truth, upon his oath deposed and says: My name is John W. Smith; my age sixty-four years. I am the John W. Smith mentioned in the above and foregoing application for identification as Mississippi Choctaws and that myself and minor children are entitled to be identified as Mississippi Choctaws under the act of Congress of June 28, 1906. My father, whose name was Madison Smith, was a native of the State of Mississippi and was a member of the Choctaw tribe or nation of Indians. Sometime between the years of 1831 and 1833 he moved from the State of Mississippi to the Southern boundary of the Choctaw Nation and lived from that time partly in the Choctaw Nation, Indian Territory. It may have been later than 1833; I couldn't state positively at what time he did move from Mississippi. He was recognized among the Indians as a Choctaw Indian and the Commission is respectfully asked to make an examination of their old original rolls and ascertain whether or not the name of Madison Smith appears thereon. I remember quite often of having heard him speak of the fact that he had failed to receive his land in Mississippi as he had expected to receive them. I was very young at the time and did not understand then what he meant by it.

J. W. SMITH.

Subscribed and sworn to before me this 5th day of March 1908.

Seal.

H. H. BOND, Notary Public.

C O P Y .

Indian Territory,
Southern District.

Before me, the undersigned authority, this day personally appeared W. H. Harris, who being by me duly sworn on his oath, states: My name is W. H. Harris; my age is fifty-two years. I reside at Elk, Indian Territory. I was personally acquainted with Madison Smith in his life time and know he was a member of the Choctaw tribe or Nation of Indians by blood. He moved from Mississippi sometime between 1835 and 1845; he was recognized among his friends, neighbors and acquaintances in Mississippi as a Choctaw Indian. I married his daughter in the year 1868 and one of the first things he told me after I married was that I would have to take my home in the Choctaw Nation when the time came because his daughter was a member of the Choctaw tribe or Nation of Indians, inasmuch as he had failed to get his land in Mississippi. His personal appearance showed him to me about one-fourth Choctaw Indian.

I have no interest in this matter except that justice may be done.

W. H. HARRIS.

Subscribed and sworn to before me this the 8th day of March, 1902.

H. H. BOND.

Seal.

Notary Public.

C O P Y .

Indian Territory,
Southern District.

Before me, the undersigned authority, this day day personally appeared J. T. Harris, who being duly sworn by me on his oath states: My name is J. T. Harris; I am forty-nine years of age. I was acquainted with Madison Smith in his life time and know he was a member of the Choctaw tribe of Indians by blood. I have often heard him speak of the fact that he was a Choctaw Indian, and sometime, whenever he got able to present his application, would be entitled to allotment as he was beat out of his lands in Mississippi. I have no interest in this matter except that justice may be done.

I am also acquainted with with John W. Smith and his four minor children, Earl Smith, Lester Smith, Sylvester Smith, and Minnie Smith, and know that John W. Smith is the son of Madison Smith, and the four minor children are the grandchildren of the said Madison Smith.

J. T. HARRIS.

Subscribed and sworn to before me this the 8th day of March, 1902.

R. H. BOND,

Notary Public.

Seal.

C O P Y .

Choctaw R 281

Muskogee, Indian Territory, March 17, 1902.

J. W. Smith,

Hoxbar, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, enclosing your affidavit and the affidavits of W. H. Harris and J. T. Harris, which have this day been filed with the records of this office.

Such affidavits allege that you are a descendant of a Choctaw Indian who resided in the state of Mississippi in the year 1830 and who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

You are now advised that if it is your intention to prosecute your rights as a Mississippi Choctaw, as the descendant of such Choctaw Indian, it is necessary for you to appear before the Commission in person for the purpose of examination under oath, so that a sufficient record can be made upon which your rights to such identification can be determined. Such appearance should be made within thirty days from the date hereof at the office of the Commission at Muskogee, Indian Territory, and if at the expiration of that time no personal application is made by you for identification as a Mississippi Choctaw, it will be the presumption of the Commission that it is not your intention to further prosecute such rights, and the Commission will then pass upon the record in the matter of your application for enrollment as a citizen of the Choctaw Nation.

J W Smith 2

Copy

In the preparation of the rolls of the citizens of the Choctaw Nation, the Commission is now limited by the following provision of the act of Congress of May 31, 1900:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

C O P Y .

CENTRAL DISTRICT OF THE INDIAN TERRITORY.

In the matter of John W. Smith
for himself and his four minor children,
Earle Smith, Sylvesta Smith, Lester Smith,
and Minnie Smith, as citizens by blood
of the Choctaw Nation.

On this day personally appeared before me, W. E. Utterback,
a notary public within and for the Central District of the Indian
Territory, J. W. Smith, and after being duly sworn on oath deposes
and says: I am the father of Earle Smith, Sylvesta Smith, Lester
Smith and Minnie Smith. That myself and children are entitled
to be identified as Mississippi Choctaws under the acts of Congress
of June 28, 1898. Myself and children are descendants of the
Choctaw Indians who resided in the state of Mississippi in 1830,
and my ancestors, such Choctaw Indians, complied or attempted to
comply with the provisions of the 14th article of the treaty of
1830 between the United States and the Choctaw Nation. I am now a
resident of Hoxbar in the Southern District of the Indian Territory,
and have resided at this place for the last eight years.

J. W. SMITH.

Subscribed and sworn to before me the before mentioned authority on
this the 18th day of March A . D. 1902.

Seal

W. E. UTTERBACK,
Notary Public within and for the
Central District of the Indian
Territory.

Indian Territory
Central District.

On this day personally appeared before me, W. E. Utterback,
a notary public for the Central District of the Indian Territory,
W. E. Bridges, and after being duly sworn on oath deposes and says:
I have known J. W. Smith personally for forty-five years or more,
and to my knowledge he is a descendant of the Choctaw Indians and as
such Choctaw Indian is entitled to the benefits, privileges and
immunities, he as well as his children. That his descendants resided
in the state of Mississippi in 1830 and attempted to comply with the
provisions of the 14th article of the treaty of 1830 between the
United States and the Choctaw Nation. I am now a resident of the
town of Durant in the Central District of the Indian Territory.

W. E. BRIDGES.

Subscribed and sworn to before me, the before-mentioned authority,
on this the 18th day of March, A. D. 1902.

W. H. OTTERBACK,

Notary Public for the Central District
of the Indian Territory.

Seal.

C O P Y .

Durwood, I. T., Mar. 17, 1902.

Now comes W. A. King before me, a notary public in and for the Southern Dist., I. T. and does hereby depose and say that he knows one John W. Smith; that he and his children are Choctaw Indians, known as Miss. Choctaws; that he never made no effort to comply with 14th article treaty of 1630.

Corroborating witness) W. A. KING.

John W. SMITH.

Subscribed and sworn to before me a notary public, Southern Dist.
I. T. Mar 17, 1902.

T. W. SCOTT,
Notary Public.

Seal.

C O P Y .

Choctaw R 281

Muskogee, Indian Territory, March 20, 1902.

J. W. Smith,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing your affidavit and the affidavits of W. E. Bridges and W. A. King, which have this day been filed with the records of this office.

On March 17, 1902, a letter was written you acknowledging receipt of your letter of the 3rd instant from Hoxbar, Indian Territory, with which were enclosed your affidavit and the affidavits of W. H. and J. T. Harris, alleging that you are a descendant of a Choctaw Indian who resided in Mississippi in the year 1830 and who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

As you were advised in our letter of the 17th instant, if it is your intention to prosecute your rights as a Mississippi Choctaw, as the descendants of such Choctaw Indian, it is necessary for you to appear before the Commission in person for the purpose of examination under oath, so that a sufficient record can be made ^{which} upon your rights to such identification can be determined.

Such appearance should be made within thirty days from the date hereof at the office of the Commission at Muskogee, Indian Territory, and if at the expiration of that time no personal application is made by you for identification as a Mississippi Choctaw, it will be the presumption of the Commission that it is not your intention to further prosecute such rights and the Commission will then pass upon the record in the matter of your application for enrollment as a citizen of the Choctaw Nation.

Yours truly,

T. E. Needles.
Commissioner in Charge.

C O P Y .

Woodford, I. T., 3--18--1902.

Witnesses

This is to certify that I ne J. W. Smith, be being 65 years of age, and I also known his father Madison. I personally new him Madison Smith, and new him to being a descendant of the Choctaws Mississippi Indians every since the civil war I also new Madisons Smith children and ne them to be of Choctaw blood. I have no other object in matter only that they may get justic.

My age being
my age being

Mrs. L. E. Bass, age 48 years

L. W. Miller, " 45 years.

A F F I D A V I T .

Woodford, I T 3 - 18 - 1902.

Southern District,

Ind Territory.

Personally appeared before me this day and swear that they, Mrs. L. E. Bass and L. W. Miller signed the accompanying document for the purposes therein set forth and mentioned, and I doe so certify.

Ed Moody, Notary Public.

Southern District, Ind Territory.

C O P Y.

M Choctaw R 281

Muskogee, Indian Territory, March 25, 1902.

J. W. Smith,

Hoxbar, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the affidavit of Mrs. L. E. Bass and L. W. Miller alleging that you are the descendant of Choctaw Indians, and such affidavits has been duly filed with the records of this office.

On the 17th instant the Commission advised you that if it is your intention to prosecute your rights as a Mississippi Choctaw, it is necessary for you to appear in person before the Commission for the purpose of examination under oath and that such appearance should be made within thirty days from that date at the office of the Commission at Muskogee, Indian Territory.

If at the expiration of that time no personal testimony is submitted substantiating the allegations in the affidavits now on file, is presented, the Commission will consider that you do not wish to prosecute the claim as a Mississippi Choctaw and that the case is completed and it will proceed to render its decision as to the rights of yourself and your minor children to enrollment as citizens of the Choctaw Nation and to identification as Mississippi Choctaws, which decision will be duly made known to you when rendered.

Yours truly,

Commissioner in Charge.

J. W. L.
E. H. R.

7 R 281.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. Smith, Earl Smith, Sylvester Smith, Lester Smith and Minnie Smith as citizens by blood of the Choctaw Nation.

--- D E C I S I O N. ---

It appears from the record in this case that John W. Smith appeared before the Commission at its session at South McAlester, Indian Territory, beginning September 4, 1899, and ending September 13, 1899, and made personal application for the enrollment of himself as a citizen by blood of the Choctaw Nation; and that at Colbert, Indian Territory, on June 19, 1900, further proceedings were had in the matter of said application, at which time application was made by John W. Smith for the enrollment, as citizens by blood of the Choctaw Nation, of his four minor children, Earl (aged 17 years), Sylvester (aged 13 years), Lester (aged 10 years) and Minnie Smith (aged 8 years) whose mother was Rebecca J. Smith, a non-citizen.

It does not appear from the evidence offered in support of this application and from the records in the possession of the Commission, that the applicants herein have ever been recognized or enrolled as citizens by blood of the Choctaw Nation; nor does it appear that they or any of them have ever been admitted to Choctaw Citizenship by the legally constituted authorities of said nation; nor does it appear that they or any of them have ever been admitted to said citizenship by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

For the purpose of protecting any rights the applicants herein might have as Mississippi Choctaws under the following provision of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), viz:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant was, on February 19, 1902, notified by registered mail that he would be allowed thirty days from that date within which to set forth that he claimed for himself and said minor children the right to identification as Mississippi Choctaws. A copy of said notice is attached hereto and made a part of the record in this case. In response to said notice there were filed the affidavits of J. W. Smith, W. H. Harris and J. T. Harris. On March 17, 1902, the principal applicant was advised by letter that if it was his intention to prosecute his claim as a Mississippi Choctaw, it would be necessary for him to appear in person before the Commission for the

purpose of examination under oath, in order that a sufficient record might be made, upon which his right to such identification could be determined. Subsequently thereto there were filed the affidavits of J. W. Smith, W. E. Bridges and W. A. King. On March 20, 1902, the principal applicant was again advised by letter that it would be necessary for him to appear in person to make application as a Mississippi Choctaw, and in response to this notice there was filed the joint affidavit of Mrs. L. E. Bass and L. W. Miller. On March 25, 1902, the principal applicant was again advised by letter that it would be necessary for him to appear in person for examination under oath as to his rights as a Mississippi Choctaw, and that, if at the expiration of the time allowed him in the letter of the Commission of March 17, 1902, no personal testimony was submitted, the Commission would consider that the applicant did not wish to prosecute his claim as a Mississippi Choctaw, and that it would render its decision as to the rights of the applicants herein to enrollment as citizens of the Choctaw Nation on the record as made, but no personal application has as yet been made by the applicants herein, although almost a year has elapsed since the last notice of the Commission was sent him.

It is, therefore, the opinion of this Commission that the application for the enrollment of John W. Smith, Earl Smith, Sylvester Smith, Lester Smith and Minnie Smith as citizens by blood of the Choctaw Nation should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

JUL 31 1903



COMMISSIONER.

Chectaw-X-281

COPY.

Muskogee, Indian Territory, July 31, 1903.

John W. Smith,

Hoxbar, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself, and your minor children, Earl Smith, Sylvester Smith, Lester Smith and Minnie Smith, as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

Enc. RG.18/31

Choctaw-R-281

COPY.

Muskogee, Indian Territory, July 31, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of John W. Smith and minor children, Earl Smith, Sylvester Smith, Lester Smith and Minnie Smith, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.
Commissioner in Charge.

Enc.HG.19/31

COPY.

Muskogee, Indian Territory, July 31, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by John W. Smith, for the enrollment of himself and minor children, Earl Smith, Sylvester Smith, Lester Smith and Minnie Smith, as citizens of the Choctaw Nation, including the decision of the Commission dated July 31, 1903, denying said application.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Choctaw-R-281

Through the
Commissioner of Indian Affairs.

Land
49537-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, Nov. 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of John W. Smith, Earl Smith, Sylvester Smith, Lester Smith and Minnie Smith for their enrollment as citizens by blood of the Choctaw Nation.

On July 31, 1903, the commission rendered a decision in this case finding that it does not appear from the evidence submitted on behalf of the applicants or from the records in the possession of the commission that the applicants have ever been recognized or enrolled as citizens by blood of the Choctaw Nation or admitted as citizens by the locally constituted authorities thereof; that it does not appear that any of them have ever been admitted to citizenship by the commission or by the United States Court in Indian Territory in accordance with the provisions of

the Act of Congress approved June 10, 1896. It further appears from said decision that the principal applicant was notified by registered letter on February 19, 1902, that he would be allowed thirty days from that date in which to set forth that he claims for himself and the other applicants the right to identification as Mississippi Choctaws; that in response to said notice there was filed the affidavits of J. W. Smith, W. H. Harris and J. T. Harris that on March 17, 1902, the Principal applicant was advised by letter that if it was his intention to prosecute his claim for identification as a Mississippi Choctaw it would be necessary for him to appear in person before the Commission; that subsequent thereto there were filed the affidavits of J. W. Smith, W. E. Bridges and W. A. King; that on March 20, 1902, the principal applicant was ^{again} advised by letter that it would be necessary for him to appear in person before the Commission to make application as a Mississippi Choctaw; that in response to this notice there was filed the joint affidavit of Mrs. L. E. Bass and L. W. Miller; that on March 25, 1902, the principal applicant was again advised by letter that it would be necessary for him to appear in person for examination under oath as to his rights as a Mississippi Choctaw; that if at the expiration of the time allowed in said letter, to wit, March 17, 1902, no personal testimony was

--3--

submitted, it would be considered that the applicant did not wish to prosecute his claim as such and that a decision in the case would be rendered, and that in response to this last notice no personal application has been made up to the date of this decision. The Commission is therefore of the opinion that the claim of these applicants for enrollment should be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495).

I have examined the evidence submitted in behalf of these applicants and consider that said decision of the Commission is in accord therewith and fully supported thereby. I therefore recommend that the decision of the Commission be affirmed by the Department.

Very respectfully,

W. A. JONES, Commissioner.

(W.C.B.) P.

D.O. 11683-1904
I.T.D. 8388-1903
LRS

(Copy)

W.C.F.
PHE

DEPARTMENT OF THE INTERIOR.

WASHINGTON, April 9, 1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

July 31, 1903, you transmitted the record in the matter of the application made by John W. Smith for the enrollment of himself and his minor children, Earl, Sylvester, Lester and Minnie Smith, as citizens by blood of the Choctaw Nation, including your decision of the same date denying said application.

Reporting November 27, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

(signed) THOS. RYAN,
Acting Secretary.

1 inclosure.

Choctaw R-281

COPY:

Muskogee, Indian Territory, April 30, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of April 9, 1904, affirmed the decision of this Commission, rendered July 31, 1903, denying the application made by John W. Smith for the enrollment of himself and minor children, Earl, Sylvester, Lester and Minnie Smith, as citizens of the Choctaw Nation.

Respectfully,

SIGNED

James Bixby.
Chairman.

Choctaw R-281

Muskogee, Indian Territory, April 30, 1904.

John W. Smith,

Hoxbar, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of April 9, 1904, affirmed the decision of this Commission, rendered July 31, 1903, denying your application for the enrollment of yourself and minor children, Earl, Sylvester, Lester and Minnie Smith, as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

James Bixby

Chairman,

C O P Y.

M. Choctaw N 281

Muskogee, Indian Territory, March 25, 1902.

J. W. Smith,

Hoxbar, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the affidavit of Mrs. L. E. Bass and L. W. Miller alleging that you are the descendant of Choctaw Indians, and such affidavit has been duly filed with the records of this office.

On the 17th instant the Commission advised you that if it is your intention to prosecute your rights as a Mississippi Choctaw, it is necessary for you to appear in person before the Commission for the purpose of examination under oath and that such appearance should be made within thirty days from that date at the office of the Commission at Muskogee, Indian Territory.

If at the expiration of that time no personal testimony is submitted substantiating the allegations in the affidavits now on file, is presented, the Commission will consider that you do not wish to prosecute the claim as a Mississippi Choctaw and that the case is completed and it will proceed to render its decision as to the rights of yourself and your minor children to enrollment as citizens of the Choctaw Nation and to identification as Mississippi Choctaws, which decision will be duly made known to you when rendered.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 26, 1902.

O. D. Marlow,

Elk, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you desire to be advised if John Smith of Hoxbar, Indian Territory, has been enrolled as a citizen of the Choctaw Nation by this Commission.

Replying to your inquiry you are advised that it appears from our records that John W. Smith, 60 years of age, of Hoxbar, Indian Territory is an applicant to this Commission for the enrollment of himself and his four minor children, Earl, Sylvester, Lester and Minnie Smith as citizens of the Choctaw Nation. The names of none of these applicants are found upon the tribal rolls of the Choctaw Nation in the possession of the Commission nor does it appear that they have ever been admitted to citizenship in the Choctaw Nation by either the tribal authorities thereof, the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1894.

For the purpose of protecting such rights as Mr. Smith and his children might have as Mississippi Choctaws, the Commission

C D E S

on March 25, 1908, advised him that his application for the identification of himself and his minor children as Mississippi Choctaws would be heard at the office of the Commission at Muskogee, Indian Territory, within thirty days from that date.

No such appearance having been made, the Commission will now at as early a date as practicable take up for final consideration the matter of the application of these persons for enrollment as citizens of the Choctaw Nation and render its decision upon the record now made.

In the event that the decision of the Commission is unfavorable to Mr. Smith and his children he will be advised thereof and notified of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Commissioner in Charge.

FILED
JUN 19 1900
COMMISSION TO FIVE TRIBES

MEMORANDA.

(Date) June, 19 1900

Name John W. Smith - Co - Hobbs, Ind. Ar.

Choctaw? 1/4 County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen? Walker, Mary J. Smith Neel.

Married under what law? Civil through father

License filed this day

Wife's name, Rebecca J. Smith, Dead.

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

17	Carl Smith	County	Year	Page	No.
13	Lydia " "	County	Year	Page	No.
10	Gester " "	County	Year	Page	No.
8	Minnie " "	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

Choctaws by blood.

IN THE MATTER OF THE APPLICATION OF
JOHN W. SMITH, ET AL.,
FOR ENROLLMENT AS CITIZENS OF THE
CHOCTAW NATION.

REFUSED.

COPY OF DECISION FORWARDED
APPLICANT JUL 31 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. JUL 31 1903

RECORD FORWARDED DEPARTMENT.
JUL 31 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR
APR -9 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

APR 30 1904
NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 30 1904

REFUSED.

Choc R282 Pearl Snider

R282

Commission to the Five Civilized Tribes,

Tushkahomma, Indian Territory.

October 12, 1899.

In the application of Pearl, Essie and Beulah Snider for enrollment as Choctaws; James M. Campbell being sworn and examined by Com'r McKennon testifies as follows:

- Q What is your name? A James M. Campbell.
- Q How old are you? A Fifty-two.
- Q You are a recognized Choctaw citizen? A Yes sir.
- Q You were admitted by the Choctaw council about when?
- A In 1886 I believe.
- Q You had a sister named Dorothy Snider? A Yes sir.
- Q Did she make application for admission to the Choctaw council?
- A Yes sir.
- Q What went with that application? A She died, I think it was the next year, and nothing was done with the application.
- Q She had children, what's the name of the oldest one?
- A Pearl Snider, thirteen; Essie Snider, 11; Beulah Snider, 9.
- Q How much Choctaw blood have these children? A One-sixteenth.
- Q They have not been enrolled on the Choctaw rolls, or admitted?
- A No sir.

Com'r McKennon: Their enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

W. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of James M. Campbell for the enrollment of Pearl Snider, Essie Snider and Beulah Snider as citizens by blood of the Cheetaw Nation.

--: D E C I S I O N :--

The record in this case shows that on October 12, 1899 James M. Campbell appeared before the Commission, at Tushkahoma, Indian Territory, and then and there made personal application for the enrollment of his nieces, Pearl Snider, Essie Snider and Beulah Snider, minor children of his sister, Bertha Snider, as citizens by blood of the Cheetaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Cheetaw Nation in the possession of the Commission, that the applicants have never been enrolled as citizens of the Cheetaw Nation, nor do their names appear upon any of the tribal rolls of the Cheetaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Cheetaw citizenship by the legally constituted authority of the said Nation.

(2).

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that these applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the said James M. Campbell was, on the 19th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right for his minor nieces, Pearl Snider, Essie Snider and Beulah Snider, to identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have legal right thereto, and their descendants born since

(3).


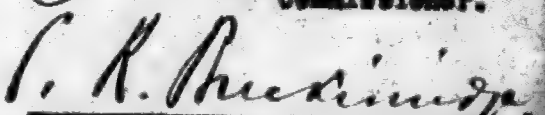
such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior:"

It is, therefore, the opinion of this Commission that Pearl Snider, Essie Snider and Beulah Snider are not lawfully entitled to be enrolled as members of the Choctaw Tribe of Indians in Indian Territory, and that their application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.
C. R. Bucknidge,
Commissioner.

Muskogee, Indian Territory,

MAY -9 1902 .

COPY.

Chectaw B-232.

Muskogee, Indian Territory, May 9, 1903.

James M. Campbell,

Tushkahanna, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of Pearl Snider, Essie Snider and Beulah Snider, minor children of your sister, Dorothea Snider, as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED),

T. B. Needles.

Commissioner in Charge.

1 enclosure
Chectaw B-232.
Registered.

Chectaw R-262.

COPY.

Muskogee, Indian Territory, May 9, 1902.

Manfield, McHurray & Cernish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Pearl Snider, Essie Snider and Beulah Snider, minor children of Dorothea Snider, as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 enclosure.
Chectaw R-262.

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by James M. Campbell for the enrollment of Pearl Snider, Essie Snider and Beulah Snider, minor children of Dorothea Snider, as citizens of the Chectaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Pearl Snider, Essie Snider and Beulah Snider as citizens of said nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

2 enclosure.
Chectaw R-282.

Through the Commissioner
of Indian Affairs.

(COPY)

Land.

29,240-1902. DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, June 2, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Herewith is transmitted the record in the matter of the application for the enrollment of Pearl, Essie and Beulah Snider, as Choctaw citizens.

The application is made by James M. Campbell, uncle of said applicants for citizenship, and a duly recognized Choctaw citizen.

From the evidence it appears that the mother of said applicants died before she was admitted to citizenship and further that the names of her said children do not appear on any of the tribal rolls of the Choctaw Nation, and that the said applicants have never been enrolled, admitted or recognized as Choctaw citizens.

I am of the opinion that under the existing law the decision of the Commission refusing the enrollment of the applicants herein was correct, and I respectfully recommend that its decision be approved.

Very respectfully,
Your obedient servant,

(E.S.S.) P.

A.C. Tonner,
Acting Commissioner.

(COPY)

D.C.No.10018

34087

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 3455-1902.
L.R.S.

June 9, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 9, 1902, you transmitted the record in matter of application for enrollment of Pearl, Essie and Beulah Snider as citizens of the Choctaw Nation. You refused the application because the applicants have never been duly enrolled or admitted to citizenship in said nation. Copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan
Acting Secretary.
E.M.D.

COPY.

Choc..R. 282.

Muskogee, Indian Territory June 23, 1902.

James H. Campbell,

Tushkahomma, Indian Territory.

Dear Sir:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902 refusing the application made by you for the enrollment of Pearl Snider, Essie Snider and Beulah Snider, minor children of your sister, Dorothea Snider, as citizens of the Choctaw Nation.

Yours truly,
T. B. Needles.

(SIGNED).

Commissioner in Charge.

COPY.

Choc.R. 282.

Muskogee, Indian Territory June 23, 1902.

Messrs. Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902 refusing the application made by James H. Campbell for the enrollment of Pearl Snider, Essie Snider and Beulah Snider, minor children of his sister, Dorothea Snider, as citizens of the Choctaw Nation.

Yours truly,

T. B. Needles.

(SIGNED)

Commissioner in Charge.

Muskogee, Indian Territory, October 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith the motion of Riley & Cotner, attorneys for applicants, in which they pray the Department to set aside a decision of the Commission of May 9, 1902, refusing the enrollment of Pearl, Essie and Beulah Snider as citizens by blood of the Choctaw Nation, which decision was approved by the Secretary of the Interior on July 9, 1903, and reopen the case for the introduction of further testimony.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

Encl.
REG 25.

7A 282

Muskogee, Indian Territory, February 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of January 7, 1905 (I T D 3455-1902, 12778-1904) transmitting, for report, motion of Riley & Cotner, attorneys for James M. Campbell, guardian, to reopen the Choctaw enrollment case of Pearl, Essie and Beulah Snider, and refer the same to the Commission to the Five Civilized Tribes for such additional steps as may be deemed necessary, in the light of the action of the Choctaw and Chickasaw Citizenship Court in the case of John A. McLellan, et al. versus the Choctaw and Chickasaw Nations.

Reporting in this matter I have the honor to advise that on May 9, 1902, the Commission rendered its decision refusing the application for the enrollment of Pearl, Essie and Beulah Snider, as citizens by blood of the Choctaw Nation, for the reason that their names did not appear on the tribal rolls of the Choctaw Nation in the possession of the Commission, nor did it appear that they had been admitted to citizenship in the Choctaw Nation by the duly constituted authorities of the tribe, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory, under

the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

I have further to advise that on January 10, 1905, the Commission to the Five Civilized Tribes rendered its decision in the consolidated Mississippi Choctaw case of Amanda L. Wampler, et al., identifying the applicants therein, among whom were Sarah Pearl Snider, Esther D. Snider and Beulah Lee Snider, the applicants above referred to, as Mississippi Choctaws entitled to allotments under the fourteenth article of the treaty of 1830.

On the same date the applicants and their attorneys were notified of this action, the attorneys for the Choctaw and Chickasaw Nations were also notified of the action of the Commission and were allowed fifteen days within which to protest to the action of the Commission. No protest was filed within that time, and the names of Sarah Pearl Snider, Esther D. Snider and Beulah Lee Snider, appear upon the schedule of duly identified Mississippi Choctaws forwarded with the Commission's letter of January 31, 1905, opposite numbers 2468, 2469, and 2470, respectively.

The motion of Riley & Cotner, with the accompanying papers, is herewith returned.

Respectfully,

Choctaw R 282

Through the
Commissioner of Indian Affairs.

Chairman.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C.
I.T.D.

42480-1905.
5488-1902.
1792-1905.

September 7, 1905.

J.P.
S.P.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Ind. T.

Sir:

The Department is in receipt of letter of February 8, 1905, from the Commission to the Five Civilized Tribes reporting relative to a motion to reopen the Choctaw enrollment case of Pearl Essie and Beulah Snider.

June 9, 1902, the Department affirmed the decision of the Commission which rejected the application for the enrollment of these persons.

The Commission, in the report of February 8, states that on January 19, 1905, the Commission identified the applicants as Mississippi Choctaws entitled to allotments under the 14th Article of the Treaty of 1830. No protest was filed by the nation, and the names of the parties appear upon a schedule of identified Mississippi Choctaws, approved by the Department October 21, 1905.

The motion to reopen the case presents no question not disposed of in the Departmental decision of June 9, 1902, and in view of the approval of the identification of these claimants as Mississippi Choctaws such motion is denied.

-2-

A copy of Indian Office letter of February 16, 1905,
submitting the report of the Commission, is enclosed.

Respectfully,

1 inclosure.

THOS. RYAN,
Acting Secretary.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 16, 1905. JVA

Land.
11837-1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of January 7, 1905, I.T.D. 3455-1902, 12878-1904) there is enclosed a report from the Commission to the Five Civilized Tribes dated February 8, 1905, in the matter of the application for enrollment as citizens by blood of the Choctaw Nation by Pearl Snider, et al.

The record was forwarded to the Department December 21, 1904.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

Muskogee, Indian Territory, February 6, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of January 7, 1905 (I T D 3455-1902, 12373 - 1904) transmitting, for report, motion of Riley & Cotner, attorneys for James M. Campbell, guardian, to reopen the Choctaw enrollment case of Pearl, Essie and Beniah Snider, and refer the same to the Commission to the Commission to the Five Civilized Tribes for such additional steps as may be deemed necessary, in the light of the action of the Choctaw and Chickasaw Citizenship Court in the case of John A. McLellan, et al. versus the Choctaw and Chickasaw Nations.

Reporting in this matter I have the honor to advise that on May 9, 1902, the Commission rendered its decision refusing the application for the enrollment of Pearl, Essie and Beniah Snider, as citizens by blood of the Choctaw Nation, for the reason that their names did not appear on the tribal rolls of the Choctaw Nation in the possession of the Commission, nor did it appear that they had been admitted to citizenship in the Choctaw Nation by the duly constituted authorities of the tribe, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory, under

the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

I have further to advise that on January 10, 1905, the Commission to the Five Civilized Tribes rendered its decision in the consolidated Mississippi Choctaw case of Amanda L. Wampler, et al., identifying the applicants therein, among whom were Sarah Pearl Snider, Esther D. Snider and Beulah Lee Snider, the applicants above referred to, as Mississippi Choctaws entitled to allotments under the fourteenth article of the treaty of 1830.

On the same date the applicants and their attorneys were notified of this action, the attorneys for the Choctaw and Chickasaw Nations were also notified of the action of the Commission and were allowed fifteen days within which to protest to the action of the Commission. No protest was filed within that time, and the names of Sarah Pearl Snider, Esther D. Snider and Beulah Lee Snider have been placed upon a schedule of identified Mississippi Choctaws which has been prepared for forwarding to the Secretary of the Interior.

The motion of Riley & Cotner, with the accompanying papers, is herewith returned.

Respectfully,

Choctaw R 262

Through the Commissioner
of Indian Affairs.

Chairman.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C.
I.T.D.

42490-1905.
3455-1902.
1792-1905.

September 7, 1905. J.P.
S.P.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Ind. T.

Sir:

The Department is in receipt of letter of February 3, 1905, from the Commission to the Five Civilized Tribes reporting relative to a motion to reopen the Choctaw enrollment case of Pearl Essie and Beulah Snider.

June 9, 1902, the Department affirmed the decision of the Commission which rejected the application for the enrollment of these persons.

The Commission, in the report of February 8, states that on January 10, 1905, the Commission identified the applicants as Mississippi Choctaws entitled to allotments under the 14th Article of the Treaty of 1830. No protest was filed by the nation, and the names of the parties appear upon a schedule of identified Mississippi Choctaws, approved by the Department October 21, 1905.

The motion to reopen the case presents no question not disposed of in the Departmental decision of June 9, 1902, and in view of the approval of the identification of these claimants as Mississippi Choctaws such motion is denied.

A copy of Indian Office letter of February 16, 1906,
submitting the report of the Commission, is enclosed.

Respectfully,

1 inclosure.

THOS. RYAN,
Acting Secretary.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 16, 1905. JFA

Land.
11837-1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of January 7, 1905, I.T.D. 3455-1902, 12878-1904) there is enclosed a report from the Commission to the Five Civilized Tribes dated February 8, 1905, in the matter of the application for enrollment as citizens by blood of the Choctaw Nation by Pearl Snider, etal.

The record was forwarded to the Department December 21, 1904.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

7-R-282

Muskogee, Indian Territory, September 13, 1905.

Sarah Pearl Snider,
Tuttle, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 7, 1905, the Secretary of the Interior denied the motion submitted by Messrs. Riley & Cotner to reopen the Chectaw enrollment case of Pearl, Essie and Beulah Snider.

Respectfully,

Acting Commissioner.

7-R-282

Muskogee, Indian Territory, September 15, 1905.

James M. Campbell,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 7, 1905, the Secretary of the Interior denied the motion of Messrs. Riley & Ceter for the reopening of Chectaw enrollment case of Pearl, Essie and Beulah Snider.

Respectfully,

Acting Commissioner

Muskogee, Indian Territory, September 13, 1905.

James A. Cotner,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Under date of January 7, 1905, the Secretary of the Interior transmitted to the Commission to the Five Civilized Tribes for report, the motion of Riley & Cotner, as attorneys for James M. Campbell, the guardian of Pearl, Essie and Beulah Snider, to reopen the application made for the enrollment of said children as citizens by blood of the Choctaw Nation.

The applicants were on January 10, 1905, identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws, and their names appear upon the approved schedule of identified Mississippi Choctaws, opposite numbers 2468, 2469 and 2470, respectively.

This office is now in receipt of a letter from the Acting Secretary of the Interior under date of September 7, 1905, denying the motion to reopen the application for the enrollment of Pearl, Essie and Beulah Snider as citizens of the Choctaw Nation. The Department states that the motion to reopen the enrollment case pre-

(2)

sents no question not disposed of in Departmental decision of June 9, 1902, and that in view of the approval of the identification of the claimants as Mississippi Choctaws, no further action will be taken.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, January 12, 1903.

T. N. Foster,

South McAlester, Indian Territory.

Dear Sir:

Relative to the inquiry made by you in person this day to the Commission concerning the status of the cases of Pearl, Esther and Beulah Snider, applicants for enrollment as citizens by blood of the Choctaw Nation, you are advised that the Commission on May 9, 1902, rendered its decision refusing the application of these parties for enrollment as citizens by blood of the Choctaw Nation, and on June 9, 1902, said decision was approved by the Secretary of the Interior and the applicants were notified of such departmental action on June 23, 1902.

Respectfully,

Acting Chairman.

Chectaw R-282

Muskogee, Indian Territory, September 1, 1904.

Messrs Riley & Cotner,

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen :-

Receipt is hereby acknowledged of your letter of August 29, 1904, requesting to be advised as to the status of the applications of Pearl, Essie, and Beulah Snider, for enrollment as Choctaws by blood.

You are informed that the decision of this Commission rejecting the applications of these persons, under date of May 9, 1902, was approved by the Secretary of the Interior June 9, 1902.

This Commission is without jurisdiction to take any further action in the matters of these applications, and if a re-hearing is sought the matter must be presented to the Secretary of the Interior in the form of a petition therefor.

This Commission has never stated to anyone that these cases would be re-opened.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 13, 1905.

Chilion Riley,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

Under date of January 7, 1905, the Secretary of the Interior transmitted to the Commission to the Five Civilized Tribes for report, the motion of Riley & Cotner, as attorneys for James M. Campbell, the guardian of Pearl, Essie and Beulah Snider, to reopen the application made for the enrollment of said children as citizens by blood of the Choctaw Nation.

The applicants were on January 10, 1905, identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws, and their names appear upon the approved schedule of identified Mississippi Choctaws, opposite numbers 2468, 2469 and 2470, respectively.

This office is now in receipt of a letter from the Acting Secretary of the Interior under date of September 7, 1905, denying the motion to reopen the application for the enrollment of Pearl, Essie and Beulah Snider as citizens of the Choctaw Nation. The Department states that the motion to reopen the enrollment case presents no question not disposed of in Departmental decision of June 9, 1902, and that in view of the approval of the identification of

(2)

the claimants as Mississippi Choctaws, no further action will be taken.

Respectfully,

Acting Commissioner

Muskogee, Indian Territory, September 13, 1905.

Mansfield, Mc Murray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Under date of January 7, 1905, the Secretary of the Interior transmitted to the Commission to the Five Civilized Tribes for report, the motion of Riley & Cotner, as attorneys for James M. Campbell, the guardian of Pearl, Essie and Beulah Snider, to reopen the application made for the enrollment of said children as citizens by blood of the Choctaw Nation.

The applicants were on January 10, 1905, identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws, and their names appear upon the approved schedule of identified Mississippi Choctaws, opposite numbers 2468, 2469 and 2470, respectively.

This office is now in receipt of a letter from the Acting Secretary of the Interior under date of September 7, 1905, denying the motion to reopen the application for the enrollment of Pearl, Essie and Beulah Snider as citizens of the Choctaw Nation. The Department states that the motion to reopen the enrollment case presents no question not disposed of in Departmental decision of June 9, 1902,

(2)

and that in view of the approval of the identification of the claimants as Mississippi Choctaws, no further action will be taken.

Respectfully,

Acting Commissioner.

7-R-282

Muskogee, Indian Territory, September 23, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, in reference to the submission of a motion to the Secretary of the Interior for a rehearing in the matter of the application of Pearl, Essie and Beulah Snider as citizens by blood of the Choctaw Nation and in which you state that you have no knowledge of the submission of any such motion and that your clients authorize you to state that if such a motion was made by any one, it was without their authority.

In reply to your letter you are advised that on May 9, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of Pearl, Essie and Beulah Snider as citizens by blood of the Choctaw Nation, for the reason that their names were not found upon any of the tribal rolls of the Choctaw Nation in the possession of said Commission, nor did it appear that they had ever been duly and legally admitted to citizenship in the Choctaw Nation by any citizenship court or commission of the tribe or the legally constituted authorities of the United States. This decision of the Commission to the Five Civil-

ized Tribes was on June 9, 1902, affirmed by the Secretary of the Interior. On March 24, 1903, application was made to the Commission to the Five Civilized Tribes on behalf of Sarah P., Esther D. and Beulah L. Snider for identification as Mississippi Choctaws.

The Commission to the Five Civilized Tribes on January 10, 1905, rendered a decision identifying the applicants as Mississippi Choctaws, as being the descendants of a Choctaw Indian who had complied with the provisions of the fourteenth article of the Choctaw Treaty of September 27, 1830. No protest having been entered by the attorneys for the Choctaw and Chickasaw Nations to this action of the Commission to the Five Civilized Tribes, the names of Sarah P., Esther D. and Beulah L. Snider were included upon a schedule of Mississippi Choctaws which was submitted to the Department for the approval of the Secretary of the Interior on January 31, 1905, and on February 21, 1905, such schedule was approved by the Secretary of the Interior, the names of Sarah P., Esther D. and Beulah L. Snider appearing upon the rolls of such citizens opposite number 2468, 2469 and 2470, respectively.

Allotments in the Chickasaw Nation were selected for the above named persons as duly identified Mississippi Choctaws on March 15th and 16th and April 1, 1905.

Prior to the identification of the applicants as Mississippi Choctaws by the Commission to the Five Civilized Tribes, Messrs. Riley & Cotner, attorneys at law, of Ardmore, Indian Territory, transmitted through this office to the Secretary of the In-

(3)

terior a petition in which they prayed that the decision of the Commission to the Five Civilized Tribes of May 9, 1902, refusing the application for the enrollment of Pearl, Essie and Beulah Snider as citizens by blood of the Choctaw Nation be set aside and that the case be reopened for the introduction of further testimony.

This petition was returned to this office by the Secretary of the Interior on January 7, 1905, for report and recommendation and on February 8, 1905, was again transmitted to the Department, with a report that the applicants had been duly identified as Mississippi Choctaws and a recommendation that no further action be taken in reference to the petition for the reconsideration of their application for enrollment as citizens by blood of the Choctaw Nation. The petition submitted by Messrs. Riley & Cotner was denied by the Secretary of the Interior on September 7, 1905, for the reason that the same presented no question not disposed of in Departmental decision of June 9, 1902, affirming the decision of the Commission to the Five Civilized Tribes of May 9, 1902, refusing the applicants the right to enrollment as citizens by blood of the Choctaw Nation.

It was the presumption of this office that Messrs. Riley & Cotner were authorized to act on behalf of the applicants at the time of the submission of the motion for rehearing filed October 3, 1904.

Respectfully,

Acting Commissioner

Choctaw R 282.

Muskogee, Indian Territory, October 3, 1904.

Riley & Cotner,
Attorneys-at-Law,
Tisheminge, Indian Territory.

Dear Sirs:

Receipt is hereby acknowledged of your letter of September 27th in which you enclose motion to the Secretary of the Interior to reopen the case of Pearl, Essie and Beulah Snider, applicants for enrollment as citizens by blood of the Choctaw Nation.

You are informed that the motion to reopen the above entitled case has this day been transmitted to the Secretary of the Interior for consideration.

Respectfully,

Chairman.

Unclaimed
Account for January

5675-
1242



Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Jas. M. Campbell
Tuskahoma

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-252

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1902.

In the matter of the application
for enrollment from Jas. M. Camp-
bell, for his three minor nieces:
Pearl Snyder, Essie Snyder and
Beulah Snider, as citizens by
blood of the Choctaw Nation.

To Jas. M. Campbell,

Tushkahomah, Indian Territory.

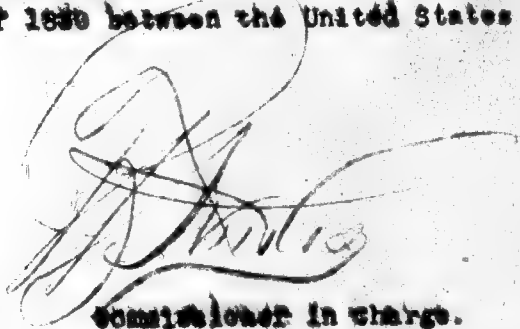
You are hereby notified that your
nieces will be allowed thirty days from the date hereof to submit
to this Commission an affidavit, corroborated by two witnesses, show-
ing that your nieces are entitled to be identified as Mississippi
Choctaws, under the Act of Congress of June 26, 1898, which provides
as follows:

Said commission shall have authority to determine
the identity of persons claiming rights in the
ceded lands under Article Fourteen of the Treaty between
the United States and the Choctaw Nation, concluded
September twenty-fourth, eighteen hundred and thirty,
and to call and examine witnesses, examine witnesses
and perform all other acts necessary thereto, and make
report to the Secretary of the Interior.

Such affidavit must be sworn to by yourself and by the corrob-

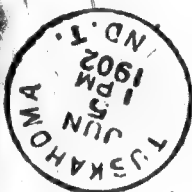
J. M. C., 2.

orating witnesses and must set forth the fact that your niece are
descendants of Choctaw Indians who resided in the State of Mis-
sissippi in 1830, and that their ancestors, such Choctaw Indians,
complied or attempted to comply with the provisions of the Four-
teenth article of the Treaty of 1830 between the United States
and the Choctaw Nation.



Commissioner in charge.

Register.



141
136



Return to sender

Department

Commissioner of

MUSKOGEE

OFFICIAL

Penalty for pre

Unclaimed

~~James M. Campbell,~~

~~Muskogee, Indian Territory.~~

Wm. C. B.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-282.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 9, 1902.

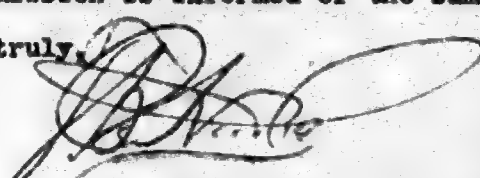
James M. Campbell,
Tushkahomma, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of Pearl Snider, Essie Snider and Beulah Snider, minor children of your sister, Dorothea Snider, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure
Choctaw R-282.
Registered.

CHOCTAW

In the matter of the application
for the enrollment of Pearl Snider,
al., as citizens by blood of the Cho-
ctaw Nation.

REFUSED. MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT.

MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

*Sept 7 1902 for hearing Pearl
Snider for hearing
reapplied with Department of Interior
by Secretary of Interior*

CH. CT. W.

R. 283

Della Spencer

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. #264

R. 284

Thomas H. Stennett

Record transferred to
Chickamauga Card R 92.

R. 285

Mozella J. St. Cyr.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. * 44.

Choc R286 Sarah Stephens

R286

CHOCTAW

In the matter of the application
of Sarah Stephens for enrollment
a citizen by blood of the Choctaw
Nation.

REFUSED. MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.
MAY -9 1902

RECORD FORWARDED DEPARTMENT.
MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

Commission to the Five Civilized Tribes.

Case No. 1, 1892.

In the application of Sarah Stephens for enrollment as a
Choctaw, being sworn and examined by Gen'r McKenney and testifies:

- Q What is your name? A Sarah Stephens.
- Q How old are you? A Twenty-three.
- Q Where do you live? A In the Chickasaw Nation.
- Q How long have you been living there? A I have been in the
Territory about five years.
- Q Where did you come from? A Lamar County, Texas.
- Q You were born and raised there? A Yes sir.
- Q Was your mother a slave? A No sir.
- Q Were you? A No sir.
- Q Who did your mother live with? A Some people named Rogers.
- Q In Texas? A No sir, she was in the Territory.
- Q Were they Choctaws? A They was said to be.
- Q You say she was never a slave? A No sir.
- Q Was your father a slave? A Not as I know of.
- Q You don't know whether either one of them was a colored person
do you? A My father was a colored man, my mother was a Choctaw.
- Q You are not on the rolls here? A I don't know sir.
- Q You were born and raised in Texas, and never came here until
five years ago, don't you know you are not on the rolls? A No sir.
- Q You don't know whether your father and mother were ever on the
rolls? A No sir.
- Q You know they were not about you? A No sir, I don't know.

Gen'r McKenney: You are not on the rolls here, and your
enrollment will be refused.

Department of the Interior

Commission to the Five Civilized Tribes

Washington, D.C.

July 1, 1892.

Received of the Commission to the Five Civilized Tribes

the sum of \$100.00

for the purpose of

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Stephens for enrollment as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

The record in this case shows that on August 24, 1899, the applicant, Sarah Stephens, appeared before the Commission at Sadsde, Indian Territory, and then and there made personal application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes,

(2).

that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteenth hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was, on the 19th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

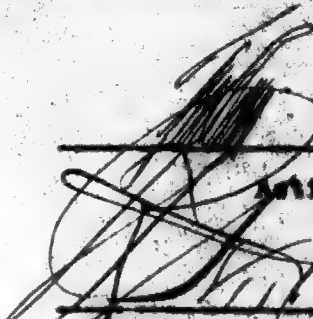
(3).


The act of Congress of May 31, 1900, (31 Stats., 221),
provides:

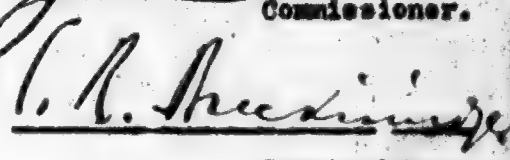
"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Sarah Stephens is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY -9 1902

COPY.

Chectaw R-286.

Muskogee, Indian Territory, May 9, 1908.

Hensfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah Stephens as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 enclosure,

Chectaw R-286.

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Sarah Stephens for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 9, 1902, refusing the application for the enrollment of Sarah Stephens as a citizen of said nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 enclosure.
Choctaw E-286.

Through the Commissioner
of Indian Affairs.

Land
29,240-1902.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Washington, June 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith, for Departmental consideration, the record and testimony in the matter of the application of Sarah Stephens for enrollment as a Choctaw citizen.

From the record it appears that this applicant was never enrolled, admitted or recognized as a Choctaw citizen and further that she does not claim as a Mississippi Choctaw.

It is the opinion of this office that under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll said applicant.

I therefore respectfully recommend that the decision of the Commission rejecting this application be approved.

Very respectfully,

Your obedient servant,

(M.S.S.).P.

A.C. Tonner,
Acting Commissioner.

COPY.

10032-1902.

34069

F.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D.3488-1902.

June 9, 1902.

L.R.B.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 9, 1902, you transmitted the record in matter of application for enrollment of Sarah Stephens as a citizen of the Choctaw Nation. You refused the application as the applicant has never been duly enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is enclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan
Acting Secretary.
E.M.D.

1 enclosure.

COPY.

Choc.R. 286.

Muskogee, Indian Territory June 23, 1902.

Sarah Stephens,

Caddo, Indian Territory.

Dear Madam:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY.

Choc.R. 286.

Muskogee, Indian Territory June 23, 1902.

Messrs. Mansfield, McMurray & Cornish,
Attorneys, for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Sarah Stephens for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

I. B. Needles.
Commissioner in Charge.

Reg $\frac{87}{86}$

Present address unknown



Sarah Stevens,

~~Caddy~~

~~Indian Territory.~~

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2170

Wm. C. B.

COMMISSIONERS

HENRY L. DAWES.
TAMM SIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-286

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1902

In the matter of the application of }
Sarah Stevens for the enrollment of }
herself as a citizen by blood of the }
Choctaw Nation.

To Sarah Stevens,

Caddo, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

S. S., 2.,

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to a government official, is written over the signature line.

Commissioner in Charge.

Register.

Reg 236
228

Person

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fre

REGISTERED.
JUN 30 1902
CADD0, IND. TER



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



7491

Sarah Stephens,

~~Caddo, Indian Territory.~~

JUN 14 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXIEY.
THOMAS B. NEEDLES.
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W-079

REFER IN REPLY TO THE FOLLOWING
Choctaw R-286.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 9, 1902.

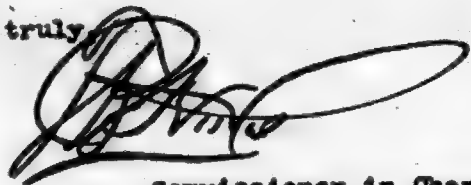
Sarah Stephens,
Caddo, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure
Choctaw R-286
Registered.

R. 287

Julia Stephens, et al.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 1

R. 288

Mary Staphell

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

REFER TO M.O.R. #365

289

Florence Starks

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

REFER TO M. C. R. * 245

Choc R290

Thomas H. Starks

R290

Thomas H. Starks

REFUSED, FEB 19 1907

RECORD FORWARDED DEPARTMENT
FEB 19 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR, MAR 2 - 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 2 - 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW

APR 2 - 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APR 4 - 1907

APR 4 - 1907

Commission to the Five Civilized Tribes,

Durant, Indian Territory .

In the enrollment of Thomas H. Starks as an intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies;

Q What is your name? A Thomas H. Starks.

Q How old are you? A Sixty-six.

Q You claim to have married a Choctaw in Mississippi in 1864?

A Yes sir.

Q Afterwards you moved, with your family, to the Choctaw Nation?

A Yes sir.

Q When? A About 1868.

Q You never married according to Choctaw law here? A No sir.

Q You made application to the Dawes commission in 1896 as an intermarried citizen? A Yes sir.

Q You don't know what became of that? A No sir.

(Com'r McKennon: Our record does not show he was admitted; examine the records in the office to see what disposition was made of the case.)

Com'r McKennon): Enrollment will be refused in your case.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that my official oath as
Special Agent in Charge of the Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. J. Green

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., July 29, 1906.

In the matter of the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The applicants attorneys of record, Williams & Utterback of Durant, Indian Territory, are represented by Thos. Owen of Muskegee, Indian Territory.

Examination by the Commission:

- Q What is your name? A Thomas Starks.
Q What is your postoffice address? A Bennington, Indian Ter.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q Citizen by blood? A Yes sir.
Q Are you on the final roll? A Yes sir.
Q Taken your allotment? A Yes sir.
Q Were you acquainted with Thomas H. Starks? A Yes, he is my father.
Q Is he living now? A No sir.
Q When did he die? A Died about a week before Christmas.
Q Before this last Christmas? A Yes, December 23rd.
Q Did he die in December, 1904? A Yes sir.
Q Where were you born? A I was born in Sculleyville.
Q Choctaw Nation? A Yes sir.
Q State the name of your mother? A Felicity.
Q Was your mother the first wife of Thomas H. Starks, as far as you know? A Yes sir.
Q Do you know when your mother and father were married? Did you ever hear anything about that? A No, I was a little bit of a thing.
Q Have you ever heard your father say where he and your mother were married? A No, I don't know anything about that at all.
Q He never told you anything about that? A No, he never did.
Q Was your mother a citizen by blood of the Choctaw Nation? A Yes sir.
Q Have you ever heard how long your mother and father lived in the Choctaw Nation prior to your birth? A No sir.
Q They never told you anything about that either? A No sir.
Q Then you don't know when they came to the Territory? A No sir.
Q How old are you? A I am thirty-one I reckon.
Q Have you ever lived anywhere outside of the Choctaw Nation? A No?
Q Yes? A I went to Mississippi and come back here.
Q When did you go to Mississippi? A I must have went there when I was a little bit of a thing; I don't know.
Q When did you return from Mississippi? A When I was about that high (indicating about two feet).
Q Since you returned to the Choctaw Nation from Mississippi have you always made your home in the Nation? A Yes, I have been here all my life, in and about Sculleyville.
Q You went to Mississippi with your mother and father? A You can't prove it by me. My mother's sisters and brothers know more about that than I do.
Q Well, you have never heard from either your mother or father

2-Thomas H. Starks.

anything which would enable you to state when or where they were married? A All I heard is that they was married in Mississippi under the old law.

Q Who was it told you that? A I have heard a good many of them say that.

Q Did your father or mother tell you that? A No, they never told me anything about it.

Q You have never seen any marriage certificate showing the marriage between your father and mother? A No sir.

Q You don't know where such a certificate could be? A No, I don't know anything about it.

Q You havn't in your possession any record evidence of the marriage of your father and mother, have you? A No sir.

Q Have you in your possession any records which will show when your mother and father first came ot the Territory? A No, I don't know anything about it.

Examination by Mr. Owen:

Q Is your mother living? A No sir.

Q When did she die? A About seven or eight years ago. I don't know exactly.

Q Were your mother and father living together at the time she died? A No sir.

Q Where did she die? A Sculleyville.

Q Do you know whether they ever divorced? A No sir.

Q Do you know when they separated? A No, I don't know.

Q Who did you live with? Your father or mother. A I lived with my father; when they first separated I stayed with my mother. When I was with my mother I was a little bit of a thing, and they took me away from her.

Q Where was your father living when he died? A Bennington.

Q Was he living with you? A No, he was living with him family.

Q He was married again was he? A Yes sir.

Q Do you remember when you came back to the Choctaw Nation after going to Mississippi? A No, I don't know anything about that.

Q You have lived in the Choctaw Nation as far back as you can remember? A Yes sir.

Q How do you know that you went to Mississippi and then came back? A Why, what they told me.

Q Your family told you? A Yes sir.

By the Commissioner:

Q Do you know when it was that your mother and father separated?

A No, I don't know.

Q Did your father marry again after his separation from your mother? A Yes sir.

Q Who did he marry the second time? A He married a Hall-- he married little John Hall's father's sister.

Q Was his second wife a white woman or a Choctaw citizen? A She was a Choctaw.

Q Do you know when he married his second wife? A I don't know when they married. I was too little when they was married. I don't know anything about it.

By Mr. Owen:

Q About how old were you when your mother and father separated?

A I must have been crawling around on the floor.

3-Thomas H. Starks.

Q Just a baby, do you mean? A Yes sir.

Q Was that before or after you went to Mississippi and came back?

A We lived here awhile I think. I can't tell when it was.

Q You said awhile ago that your mother and father went to

Mississippi and came back? A Yes sir.

Q Did they separate before or after they went to Mississippi?

A I can't tell you; I was too small.

Witness excused.

John W. Hall being first duly sworn testified as follows:

By Mr. Owen:

Q Your name? A John W. Hall.

Q How old are you? A Thirty.

Q What is your postoffice address? A Bennington.

Q Do you know Tom Starks? A Yes sir.

Q Do you know his father, Thomas H. Starks? A Yes sir.

Q How long did you know him? A I have been knowing him for about twenty-five years that I can remember. I had seen him before that but I don't remember seeing him before that.

Q Did you know the mother of the Thomas Starks that was here?

A No, I never knew her.

Q You don't know when Thomas H. Starks came to the Choctaw Nation? A No, I don't; he came here though, before I was born.

Q Have you lived in the Choctaw Nation all your life? A I have been living there twenty-five years.

Q Do you know anything about the family at all except that this Thomas Starks here is the son of Thomas H. Starks? A No, I don't believe I do; all that I know is that he is the son of Thomas H. Starks, or was recognized so by his father.

Q Thomas H. Starks always recognized this man as his son?

A Yes sir.

Q You don't know anything about the family except that?

A No sir.

By the Commissioner:

Q You have no personal knowledge as to when Thomas H. Starks was married to the mother of Thomas Starks? A No, I have not because he was married in Mississippi?

Q Have you any positive knowledge on that subject? A I don't know whether I could word it so that it would be good, but I have seen it in black and white to that effect.

Q In what shape have you seen it? A I saw the letter. I don't know how to word it. I can tell you the meaning of it, that he wrote to his sister--Thomas H. Starks wrote to his sister in Mississippi in regard to getting his marriage certificate. She wrote him back that it would cost three dollars for the expense--something like three dollars to get it. It was not just worded that way.

Q That was in a letter that Thomas H. Stark's sister wrote to him? A Yes sir.

Q And that sister was still living in Mississippi? A Yes sir.

Q Do you know whether anything was done in response to that letter towards securing that marriage certificate? A Only hearsay.

Q You never saw a copy of it at all? A No sir.

Q And you say that Thomas H. Starks was living in the Indian Territory before you came there? A Yes sir.

Q He died, did he not, last december? A I think it was in January.

Q Well, he died just a few months ago? A Yes, I think about January.

Q Can you tell me where he lived from the time you first knew him until his death?

4-Thomas H. Starks.

A Yes, Bennington has been his postoffice for the last 25 years.

Q He has always lived in the Choctaw Nation from the time you first knew him? A Yes sir.

Q He was married the second time was he? A Yes sir.

Q Do you know how long he lived with his first wife? A I do not.

Q Was he living with his first wife at the time you first knew him? A I don't know.-- No he was married to the second one; he was living with his second wife.

Q What was the name of his second wife? A I don't know whether I know her middle name. I think it was B. M.--Blanch. I always called her Aunt Blanch. She married my father's sister the second time.

Q Do you know whether, when he married Blanch, a tribal license was secured? A I know what she told me.

Q You don't know of your own knowledge whether a tribal license was secured or not? A No sir.

Q She was a Choctaw by blood? A No, she was a white woman.

Q She didn't have any Indian blood at all? A No sir.

Witness excused.

Napoleon B. McClure being first duly sworn testified as follows:

Examination by Mr. Owen:

Q What is your name? A Napoleon B. McClure.

Q How old are you? A Twenty-nine.

Q What is our postoffice address? A Bennington.

Q Did you know Thomas H. Starks in his lifetime? A Yes sir.

Q Are you any relation to him? A Son-in-law.

Q Do you know when he came to the Choctaw Nation? A No, I do not.

Q You don't know anything about when he married his first wife? A No sir.

Q Do you know how long they lived together? A No, I don't. I have known him ever since I can recollect; lived right by them for years, in the same neighborhood.

Q You married his daughter by his first or second wife? A Second wife.

Q Do you know when he married his second wife? A No, I don't.

Q How long have you known him? A I have known him ever since I was large enough to recollect anything.

Q Was he living with his second wife as far back as you can remember? A No sir.

Q Do you remember when he married his second wife? A No sir.

Q It was after you knew him? A No, it was before.

Q I asked you if he was living with her as far back as you could remember anything, and you said No. A He has a son about thirty-one years old by his second wife, and the other two children he had by his second wife, a boy and a girl; I don't know their age, but they was good sized children when I first knew him; they was with him when I first recollect the old man.

Q He was living with his second wife when you first recollect of seeing him? A Yes sir.

Q He had children by his second wife older than you didn't he?

A Yes, thirty-one years old now.

Q Is Tom Starks here his son by his second wife? A No, by his first wife.

Q Is your wife a citizen? A Only by intermarriage.

Q You are a citizen yourself? A Yes sir.

Re Thomas H. Starks.

By the Commissioner:

Q You have never had in your possession any record evidence of the marriage of Thomas H. Starks to his first wife, have you?

A No, only just hearsay.

Q You have never seen any certificate of marriage, have you?

A No sir none at all.

Q And your wife is his daughter is she? A Yes sir.

Q And did you ever hear where Thomas H. Starks was married to his first wife? A I heard they was married in Mississippi.

Q That is all you know about this matter? A That's all.

Q From the time that you first knew Thomas H. Starks until the time of his death, where did he make his home? A Near Bennington.

Q In the Choctaw Nation? A Yes sir.

-----0-----

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this July 30, 1905.

Edward Merrick
Notary Public.

C O P Y.

In the United States Court for the Central District
of the Indian Territory.

T. H. Starks

vs

Notice to take depositions.

Choctaw Nation, defendant.

To the Choctaw Nation, the above named defendant, and Stuart, Gordon and Hailey and WM. Gravens, attorneys of record for the above named Def. You are hereby notified that the depositions of witnesses to be read as evidence in the above entitled cause on the part of the plaintiff, will be taken in the Law office of J. L. Rappolee in the town of Caddo, Central District, Indian Territory, between the hours of eight o'clock A. M. and six o'clock P. M. on the 14th day of July, A. D. 1897, and that the taking of said depositions, if not completed on said day will be continued from day to day until completed at the same place and between the same hours.

(signed) T. H. Starks

By J. L. Rappolee
Attorney for plaintiff.

United States of America, Central
District of the Indian Ter.

I, Dwight Brown Constable for the Atoka division of the Central District of the I d. Ter. do hereby certify that I received this notice this 10th day of July, 1897, and that I served same on the said 10th day of July, 1897, by delivering a true and perfect copy of same to J. H. Gordon, one of the attorneys of record for the Choctaw Nation, defendant, at Atoka, Ind. Ter. Cen. Dist.

(signed) Dwight Brown
Constable

C O P Y.

The depositions of T. H. Stark and D. M. Cochnauer taken on the 14th day of July 1897 between the hours of 8 o'clock A. M. and 6 o'clock P. M. at the Office of J. L. Rappee in the town of Caddo, I. T. Central District to be read as evidence in and action between T. H. Stark plaintiff and Choctaw Nation defendant pending in the District U. S. Court at South McAlester I. T. Central District of the I. T.

C O P Y.

My name is Mary Gardner, my age is 73 years, post office is Bennington, I.T., Jackson Co. who deposes and says:

I knew Mrs. T. H. Stark, she was the wife of T. H. Stark, her maiden name was F. L. Long, I know that she was a Choctaw Indian by blood; I knew her pretty much all her life; I knew her children, they live in the Choctaw Nation, and are registered as Choctaw Indians, and drew their annuity. I am a Choctaw Indian by blood.

her
Mary x Gardner.
mark

Witness:

Ollie Hutcherson
Willie Gardner

C O P Y.

MARRIAGE BOND.

State of Mississippi) ss In the Probate Court of said County.
Carroll County)

Know All Men by these Presents that we T. H. Stark and R. W. Peteet of the County of Carroll and State of Mississippi are held and firmly bound unto The State of Mississippi for the use of the State of Mississippi, in the penal sum of Two Hundred Dollars, Current Money of the United States, which payment well and truly to be made and performed, we and each of us hereby bind ourselves, our heirs, executors, administrators and assigns, jointly, severally and firmly by these presents. Witness our hands and seals this 27th day of Jany A D 1866.

The Condition of this Obligation is That whereas application has this day been made to the Clerk of the Probate Court of the County of Carroll and State aforesaid for the granting and issuing of license for the marriage of Mr. T H Stark and Miss Felictia L. Long. Now therefore, if there shall be no lawful cause to obstruct the marriage for which such license is granted, then this obligation to be void,; otherwise to remain in full force.

T. H. Stark (SEAL)
R. W. Peteet (SEAL)

C O P Y.

The State of Mississippi
Carroll County.

To any Judge, Minister, or Justice lawfully authorized to
celebrate the Rites of Matrimony. You are hereby Licenced to
celebrate the rites of Matrimony between Mr T H Stark and Miss
F L Long.
Given under my hand and seal of Office this 27th day of Jany
A D 1866.

W. L. Hemingway Clerk
By W. T. Been D C

State of Mississippi
Carroll County.

In virtue of a Licence from the Clerk of the Probate Court of said
County, I have this day joined in matrimony Mr. Thomas H. Stark
and Miss F. L. Long.
Fiven under my hand & seal this 1st Febry 1866.

W. T. Jones J P (SEAL)

State of Miss)
) I, J. P. Nabors Clerk of the Circuit Court of said
Carroll County) County hereby certify that the foregoing pages
) contain a true & correct copy of Marriage Licence
of T. H. Stark & Miss F. L. Long duly made of record in marriage
bonds of Carroll County on page 413 now on file in my office.
Witness my hand & seal this Aug 11th 1896.

J. P. Nabors Clk
By B P Chatham D C

(SEAL)

C O P Y.

The plaintiff T. H. Stark is introduced to give evidence in behalf of himself in the case of T. H. Stark vs the Choctaw Nation, as follows: My name is T. H. Stark, aged 64 years, occupation physician; my post-office is Bennington, I. T. I am the plaintiff in the above named case; I was married to F. L. Long, a Choctaw Indian by blood, in Carroll Co. Miss., on or about the first day of Feb. 1866. I came to the Choctaw Nation in 1868, and have lived here ever since; my wife, F. L. Stark, is now dead. We have three living children. I was married to according to the laws of Mississippi prior to 1876, as will be seen by certified copy of my marriage bond, license and certificate of marriage, attached hereto and made a part of my deposition. My wife F. L. Stark came to the Choctaw Nation prior to her death, and was recognized as a citizen, having all rights as such by the Nation, and our three children are registered Choctaw Indians by blood.

(signed) T H Stark

C O P Y.

D. M. Cochnauer being introduced by the plaintiff to give evidence in the case of T. H. Stark vs Choctaw Nation,, testifies as follows: My name is D M Cochnauer, my age is 49 years, my occupation is farming, postoffice Bokchite, I. T. Am well acquainted with plaintiff, T. H. Stark, have known him for about 27 years, and knew his wife, F. L. Starks, whose maiden name was Long. I knew her to be a Choctaw Indian by blood, and T. H. Starks and F. L. Starks were married when I first knew them, which was in 1870. T. H. Starks has lived in the Choctaw Nation to my knowledge for 27 years, and now resides here. Mrs. F. L. Starks, the wife of T. H. Starks is now dead. I am a registered Choctaw Indian by blood.

(signed) D. M. Cochnauer

C O P Y.

Deposition of Mary Gardner taken on the fifteenth day of July 1897 in pursuance of the notice herewith attached for the adjournment, between the hours of 8 o'clock A. M. and 6 o'clock P. M. at the home of Mary Gardner near Bennington I. T. Central District of the I. T. to be read as evidence in and action between T. H. Stark Plaintiff and Choctaw Nation defendant pending in the U. S. District at South McAlester Central District of the Ind. Ter.

C O P Y.

T. H. Stark vs Choctaw Nation

Notice to take depositions in the above named case at the Office of J. L. Rappolee at Caddo I. T. on the 14th day of July 1897 on the part of the plaintiff. Owing to the age and infirmity of one of the witnesses Marey Gardner. The taking of said deposition is adjourned to July 15th 1897 when it will be renewed at the home of Mary Gardner at Bennington I. T. This notice is posted on the door of the office of J. L. Rappolee at 11-15 o'clock A. M. July 14th 1897

(signed) J. L. Hunter
Notary Public.

I, J. L. Hunter, the Notary Public taking the deposition of Mary Gardner named in the above notice, do certify that the above notice was posted on the Office door of J. L. Rappolee by me at 11-15 o'clock A. M. July 14th 1897.

Witness my hand and seal on this the 19th day of July 1897

(signed) J. L. Hunter
Notary Public.

(SEAL)

C O P Y.

Central District

Indian Territory

I, J. L. Hunter, a Notary Public in and for the Central District of the Indian Territory, do certify that the foregoing deposition of Mary Gardner was taken before me and read to and subscribed by her in my presence at the time and place in the action mentioned in the caption the said Mary Gardner having been first sworn by me that the evidence she should give in the action should be the truth, the whole truth and nothing but the truth, and that her statement was reduced to writing by me in her presence. The plaintiff being present himself and by his Attorney J. L. Rappolee, at the examination.

Given under my hand and seal this the 19th day of July 1897

(signed) J. L. Hunter
Notary Public.

(SEAL)

Endorsed on back: "69 Filed at.....O'clock.....M July 20
1897 (signed) E. J. Fannin Clerk, by.....
Deputy.

C O P Y.

Central District
Indian Territory

I, J. L. Hunter, a Notary Public in and for the Central District of the Indian Territory, do certify that the foregoing depositions of T. H. Stark and D. M. Cochmauer was taken before me and read to and subscribed by them in my presence at the time and place and in the action mentioned in the caption the said T. H. Stark and D. M. Cochmauer having been first sworn by me that the evidence they should give in the action should be the truth the whole truth and nothing but the truth and that thier statement were reduced to writing by my in their presence the plaintiff being present himself and by his Attorney J. L. Rappolas at the examination.

Given under my hand and seal this the 19th day of July 1897

(signed) J. L. Hunter
Notary Public.

(SEAL)

F. D. Blackman,
President.

Fielding Lewis,
Secretary.

James F. Craig,
Treasurer.

C O P Y

CHAMBER OF COMMERCE.

Office of Secretary
In the United States Court
South McAlester, Ind. Ter.,189
For the Central Judicial District
of the Indian Territory.

T. H. Stark

vs
The Choctaw Nation

Hon W H H Clayton

Judge of Said Court

Having been appointed Special Master in the above cause, I beg to
report the following findings of facts.

I find from the evidence that plaintiff T B Stark was lawfully
Married to a A. F. Long his wife who was a Choctaw by blood was not
married in accordance with the law of the Choctaw Nation.
Plaintiff has resided in Choctaw Nation since 1868.

(signed) T N Foster

Special Master.

ENDORSED on back: "69 Stark vs Choctaw Nation Report of Special
Master"

C O P Y.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss.
NORTHERN DISTRICT.)

I, Clara Mitchell Wood, a Notary Public within and for the Northern District of the Indian Territory hereby certify that I have compared the foregoing papers with the original papers in the application of Thomas H. Stark for citizenship in the Choctaw Nation by intermarriage, and that the same are true and correct copies of said papers.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this twenty third day of April 1902.

Clara Mitchell Wood
Notary Public.

(SEAL)

IN RE
THE DEATH OF

Felicity Long
a citizen of the

Choctaw Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Felicity Long
(Here insert name of deceased.)
 a citizen of the Choctaw Nation, who formerly resided at or near
Blaine, Ind. Ter., and died on the or about 15 day of
(Here insert name of postoffice.)
Sept., 1887.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }

I, Emma E. Dason, on oath state that I am 37
 years of age and a citizen, by Birth, of the Choctaw Nation;
 that my postoffice address is Cade, Ind. Ter.; that I am
(Here insert name of postoffice.)
the Daughter of Felicity Long
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by Birth, of the Choctaw Nation
 and that said Felicity Long died on or about 15 day of
(Here insert name of deceased.)
September, 1887.

WITNESSES TO MARK:

Emma E. Dodson

(Must Be Two
Witnesses.)

Subscribed and sworn to before me this 29 day of September, 1905.

T. M. Sullivan

Notary Public.

(SEAL)

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }

I, J. F. Dodson, on oath state that I am 46
 years of age, and a citizen by Birth of the U. S. Nation;
 that my postoffice address is Cade, Ind. Ter.;
(Here insert name of postoffice.)
 that I was personally acquainted with Felicity Long
(Here insert name of deceased.)
 who was a citizen, by Birth, of the Choctaw Nation;
 and that said Felicity Long died on or about 15 day of
(Here insert name of deceased.)
September, 1887.

WITNESSES TO MARK:

J. F. Dodson

(Must Be Two
Witnesses.)

Subscribed and sworn to before me this 29 day of September, 1905.

T. M. Sullivan

Notary Public.

(SEAL)

UNITED STATES OF AMERICA,)
CENTRAL DISTRICT,) ss
INDIAN TERRITORY,)

Personally appeared before me Elizabeth H Simpson
who being first duly sworn, makes answer to the following inter-
rogatories as follows:

What is your name, age and postoffice address? Elizabeth
H Simpson age 67 years Post Caddo I. T.

Were you acquainted with Thomas H. Starks and Felicity Long?
Yes sir

Were you related to them in any way, if so, how? Second
Cousin to felicity Long

State whether or not Thomas H. Starks was married prior to his
marriage to Felicity Long, if so, to whom? Dont no

State whether or not Felicity Long was married prior to her mar-
riage to Thomas H. Starks? was not

What is the date of the death of Felicity Long?
Just Remember

Witnesses:

Elizabeth H Simpson

Subscribed and sworn to before me this 27 day of Sept
1905.

T. M. Sullivan

Notary Public.

(SWAL)

COPY.

United States of America
Central District
Indian Territory

Know all men by these presents that on this day personally appeared before me F. A. McAleer a Notary Public in and for the central District Ind. Terry. R. P. Noland personally known to my who upon Oath States that he was personally acquainted with Thomas H. Starks and that he did marry one Felicity Lone Daughter of Samuel Long of Carrolton Miss. and I was personally acquainted with both the parties pryor to their Marriage and know that they were Married and the said Thomas Starks left that Country about the year of 1867 and came to The Territory and I know that the said Felicity Long was his first wife, and the said Sam Long was always reconized as Indians in Mississippi as long as I knew Them.

R. P. Noland

Subscribed and sworn to before me this the 27 day of Sept. 1905

F. A. McAleer
Notary Public.

(SEAL)

C O P Y.

7-R-290.

Muskogee, Indian Territory, September 26, 1906.

Thomas Starks,

Bennington, Indian Territory.

Dear Sir:-

In the matter of the application for the enrollment of your father, Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation, it is desired that you furnish this office with the name of your mother in 1885, in order that it may be ascertained whether or not she can be identified upon the 1885 Choctaw Census Roll.

An early reply is requested.

Respectfully,

Commissioner.

C O P Y.

Bennington, I. T. 10/4 1906

Commissioner to five tribes

muskogee, I. T.

Gentleman

in reply your to Thos Stork Sep 26.

you are advised that his mother name was
Flelicity Rooney or Romy in 1885.

you are also advised that she was related to
Gov. Green McCurtain who was personally acquainted with her during her life time. And state she was a recognized citizen by blood of the Choctaw Nation.

Respect.

Robt O. Knight.

(DeB-COPY)

Limestone Gap, I. T.

Jan. 14, 1907.

Mr. Robert A. Knight,

Bennington, I. T.

Dear Sir:

I dont remember seeing Felicity Starks but one time, and that was at Camel LaFlores Se place near Ft. Smith in the Choctaw Nation.

That was in the year of 69 or 70.

My understanding was she was a granddaughter of my uncle Benjam La Flore of Mississippi.

I think you could get more information about her from Camel LaFlore Jr. of Atoka, I. T., or his mother who lives in Caddo, I. T.

Camel LaFlore is a grand son of Uncle Benjamin LaFlore.

Hope this will help you in some way and it is about all I can tell you.

I remain

Yours truly

Chas. LaFlore

Limestone Gap,

I. T.

(Endorsed)

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

F I L E D

FEB 7- 1907

Tams Bixby, Commissioner.

EXECUTIVE OFFICE CROFTAW NATION
GREEN McCURTAIN, PRINCIPAL CHIEF

Kinta, I. T. Jan. 22, 1907.

Robt. O. Knight, Esq.

Bennington, I. T.

Dear Sir:

I was personally acquainted with Felicity Stark- After Dr. Stark her husband deserted her, she lived at my house. She had one girl, Emma, who married a man named Dodson. She, Felicity also had a boy that died. Felicity died shortly after marrying a man named E. H. Rooney. The last wife of Dr. Stark was a white woman and the children of the last marriage are now seeking admission to citizenship of the tribe. They have no rights to citizenship.

Very Respt.

Green McCurtain.

(Endorsed)

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
F I L E D

FEB 1, 1907.

Tams Bixby, Commissioner

(COPY-DeB)

I, R. C. Gardner, County and Probate Clerk of Jackson County, Choctaw Nation, do hereby certify that the Permit Record of said County and Nation, shows that T. H. Starks obtained farmer permits for the following noncitizens as renters on his farm. Year 1893, J. N. Dudley and E. A. Bingham, 1894, John Morgan, J. N. Dudley, J. D. Hall and James Shoemaker. 1895- 8- & 7 J. N. Dudley and J. D. Hall.

R. C. Gardner,
Co. & Pro. Clerk,
Jackson Co. C. N.

(SEAL)

January 18th A. D. 1906.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

F I L E D

FRB 6- 1907.

Tams Bixby, Commissioner.

United States of America

Central District

Indian Territory.

Know all men by these presents that on this the 18 day of October 1905 personally appeared before me a Notary Public in and for the above named district R. P. Noland who deposes and says that he is 63 years old and a resident of Bokchito I. T. that he came to the Choctaw Nation I. T. in the year 1896 and that he was personally acquainted with Thomas Starks and Phelicity Long in the State of Mississippi that the said Phelicity Long was a Daughter of Sam Long who was all ways considered to be an Indian and that to the best of his knowledge that neither party was married prior to the marriage of Thomas Starks and Phelicity Long and that they were married about the year of 1866 and that the said Thomas Stark and his wife Nee Phelicity Long left that Country and came to the Territory as for the rights they would have as having a right as they were considered Indians.

R. P. Noland.

Subscribed and sworn to before me this the 18 day of October 1905.

F. A. McAleer

Notary Public.

(SRAL)

(Endorsed)

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

F I L E D

FEB 6-1907.

Tams Bixby, Commissioner.

Central District.

Indian Territory.

We, Morris S. Smith and R.C. Gardner, on oath state that we were personally acquainted with Thos. H. Staske and he was recognized by the citizens of the Choctaw Nation, and was allowed to vote in the Tribal elections.

Morris S. Smith

R. C. Gardner.

Subscribed and sworn to before me on this the 18th day of October, A. D. 1905.

W. O. Byrd,

Notary Public.

My Commission Expires.

Aug, 8-1906,

(BRAL)

(Endorsed)
DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
F I L E D

FEB 6- 1907.

Tams Bixby, Commissioner.

--4--
(Copy-DeB)

January 1st, 1896.

To Hon. G. N. Belvin:

County and Probate Judge of Jackson County, Choctaw Nation.

We, the undersigned citizens of the aforesaid Nation & County would recommend Joe Bingham a U. S. Citizen who desires to remain in said Nation and county on Dr. T. H. Starks' Farm as a Renter for the space of twelve months from the Date of this petition. We would also recommend him as being a young man of good moral character owing no stock whatever & in all respects worthy of being permitted to remain in the Nation and county.

Dr. T. H. Starks,
Petitioner.

Sign

R. C. Gardner

Sign

Mrs. Mary Gardner

Sign.

(Endorsed)

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
F I L E D

FEB 6-1907

Tams Bixby, Commissioner.

E. M. Everidge, Judge.
R. C. Harris, Dist. Atty.
J. H. Everidge, Clerk.

Terms of Court.
First Monday in February.
2nd Monday in August.

-5-

J. H. EVERIDGE,
Clerk
(COPY-DeB)

Grant, Ind. Ter. _____ 190

March 4, 1873.

Circuit Court in and for Blue County, Choctaw Nation.

A Petition presented By Atty J. P. Folsom in Behalf
of T. H. Starks for a Bill of Divorce from Felicity Starks-
Evidence taken and Divorce Granted by Court.

L. S. W. Folsom,

Presiding Judge, 3rd Judicial Dist.

Choctaw Nation.

Attest

Caleb Impson

Clerk 3rd Jud. Dist.

I hereby Certify that the above is a True and Correct
Copy of the Records now on file in my Office-- This the 22 day
of Nov. 1905.

J. H. Everidge.

Clerk 3rd Jud. Dist.

(SEAL)

Choctaw Nation.

(Endorsed)

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
F I L E D

FEB 6- 1907.

Tam Bixby, Commissioner.

(COPY-DeB)

Affidavit of T. W. Hunter in the citizenship case of
Thos. H. Stark et al.

T. W. Hunter first being duly sworn on oath states:-

My name is T. W. Hunter. I am thirty seven years old. My
post office address is Boswell, I. T. I am a citizen of the
Choctaw Nation, and am on the rolls of that nation, and have
taken my allotment.

I knew Thos. H. Stark during his life time. I was per-
sonally well acquainted with him and have known him practically
all his life. Thos. H. Stark was always accorded the rights of a
Choctaw Indian, was always recognized as a citizen of the Choctaw
Nation by the authorities of that Nation. He held lands as a
citizen of that Nation, and he voted in the election for officers
of that Nation. He sent at least one of his children to the
Tuskahoma Female Institute, Choctaw-Schools for I got the certificate for her from Judge
and his other children were sent to the Choctaw country schools
Belton myself. Until the Dawes Commission came into this coun-
try; I never heard any body question his rights as an intermarried
Citizen. I knew personally that he was always and in every way re-
cognized and treated as a citizen by intermarriage of the Choctaw
Nation.

This the 23rd day of November, 1905.
Subscribed and sworn to before me this the 23rd day of November,
1905.
(SEAL)

J. W. Hunter.
J. O. Mullen,
Notary Public.

(Endorsed)

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
F I L E D FEB 6- 1907.
Tama Bixby, Commissioner.

(COPY-DeB)

United States of America.

Central District, Indian Territory.

Mr Name is Charlie McPherson;
I am thirty one years old; my post office address is Bennington,
I. T.; I am a citizen of the Choctaw Nation but have not been
enrolled as such, but I have made application to be enrolled as
an intermarried citizen of the Choctaw Nation:

I knew Thomas H. Stark during his life time; I knew him
twenty five years and was personally well acquainted with him;
He died on or about the 21st day of December 1904: During his
life time he was always considered and treated by the authori-
ties of the Choctaw Nation as an intermarried citizen: He voted
in their elections, held land as such citizen and sent his white
children to the Choctaw schools.

I was present at Caddo, I. T., when the Commission to the
Five Civilized Tribes were there enrolling the citizens of the
Choctaw Nation and Chickasaw Nation, which was some where about
August 21st 1899 and I saw Thomas H. Stark there. He and I were
both there to secure our enrollment; I saw him go before said
Commission, and heard him ask for his own enrollment and that
of his white children. There were several of them but I do not
know all their names. I heard the Commission tell him that the
said Commission could not enroll his said white children because
they had no Indian blood in them. I personally heard him make
this application for their enrollment; there cannot be any mistake
but what he did apply then and there for their enrollment.

This the 18th day of January, 1905.

Charlie McPherson.

Sworn to and subscribed before me this the 18th day of Jan. 1905.

(SEAL)

(Endorsed)

Burton L. Richards,
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED FEB 8-1907.

Tama Dixby, Commissioner.

IN RE
THE DEATH OF

A CITIZEN OF THE

Nation

Approved

190

Commissioner

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES .

F I L E D

FEB 6-1907.

Tams Bixby, Commissioner.

(COPY)

32

Department of the Interior,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Felicity Starks, nee Long

(Here insert name of deceased)

a citizen of the Choctaw

Nation, who formerly resided at or near

Blaine

on or about

(Here insert name of post office)

Ind. Ter., and died on the 15 day of

September, 1887.

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA
Indian Territory
Central District

I, Emma Dodson

, on oath state that I am about 37

years of age and a citizen, by Blood

, of the

Choctaw

Nation;

that my postoffice address is

Bennington

(Here insert name of postoffice)

Ind. Ter.; that I am

Daughter

(State relationship: as the father; an uncle; a cousin, etc.)

of Felicity Starks, nee Long

(Here insert name of deceased)

who was a citizen, by

Blood

, of the

Choctaw

Nation

and that said Felicity Starks, nee Long

(Here insert name of deceased)

died on or about 15 day of

September, 1887

WITNESSES TO MARK:

Emma Dodson

(Must Be Two
Witnesses)

(SEAL)

Subscribed and sworn to before me this 17 day of October, 1905

J. W. Lloyd

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA
Indian Territory.
Central District.

I, John W. Dodson

, on oath state that I am 50

years of age, and a citizen by intermarried

of the

Choctaw

Nation;

that my postoffice address is

Bennington

(Here insert name of postoffice)

, Ind. Ter.;

that I was personally acquainted with

Felicity Starks, nee Long

(Here insert name of deceased)

who was a citizen, by

Blood

, of the

Choctaw

Nation;

and that said Felicity Starks nee Long

(Here insert name of deceased)

on or about 15 day of

September, 1887

John W. Dodson.

WITNESSES TO MARK:

(Must Be Two
Witnesses)

(SEAL)

Subscribed and sworn to before me this 17 day of October, 1905

J. W. Lloyd.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Bennington, Indian Territory, February 2, 1907.

In the matter of the application for the enrollment of
Thomas H. Stark as an inter-married citizen of the Choctaw Nation.

Robert O. Knight, being first duly sworn and examined,
testifies as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Robert O. Knight.
Q How old are you? A Thirty-five.
Q What is your postoffice address? A Bennington.
Q Were you personally acquainted with Thomas H. Stark? A Yes, sir.
Q At what time did you become acquainted with him? A About 1896.
Q Were you ever acquainted with a wife of his by the name of Felicity Stark? A No, sir.
Q Do you know when Thomas H. Stark and his wife came to the Choctaw Nation? A No, sir.
Q Do you know how long he and his wife, Felicity Stark lived together? A No, sir.
Q Were Thomas H. Stark and his wife, Felicity Starks ever separated or divorced? A I have reliable information that they were separated and later divorced.
Q To the best of your knowledge when did they separate? A I can't know. I don't have any idea.
Q Do you know when they procured a divorce? A I obtained a copy of the divorce from the District Clerk from the old records, giving on or about March 4, 1873.
Q At what place were these records? A Grant, I. T.
Q Were these records of the United States Court or of the Choctaw Tribal Courts? A Choctaw Tribal Courts.
Q Did you see these records yourself? A No, sir.
Q In what manner did you obtain this information that Thomas H. Stark and his wife, Felicity Stark were divorced March 4, 1873? A I wrote to the District Clerk for a copy just as it appeared on the old records and he sent me a certified copy of the divorce, stating that it was a certified copy as it appeared on the records of the District Court.
Q What did you do with this certified copy from the District Court? A Sent it to Thomas Norman, Ardmore.
Q Do you know what he did with it? A No, sir.
Q For what purpose did you send this to Thomas Norman at Ardmore? A I asked him to file it with the Commissioner when I sent it to him.
Q Do you know if Felicity Stark remarried after this divorce between her and Thomas Stark? A I do not to my personal knowledge.
Q Have you ever received reliable information that she remarried? A I received a letter or statement from Gov. Green McCurtain that she married E. H. Rooney.
Q Did he state when she and this Rooney were married? A No, sir.
Q Do you know how long she was married to this man Rooney? A A I do not.
Q Is Felicity Stark or Long still living? A No, sir, not to the best of my knowledge.
Q Do you know when she died? A I have been informed in a letter from Green McCurtain that she died shortly after marrying E. H. Rooney.
Q What did you do with this letter from Green McCurtain? I
A

Stark.

- 2 -

mailed it to the Dawes Commission.

- Q Do you remember when it was you mailed this letter to the Commission? A I don't recollect the exact date, but it was some four or five days ago.
- Q Do you know when applications were made for the enrollment of this Felicity Stark, nee Long? A No, sir.
- Q Do you know if Thomas H. Stark ever remarried subsequent to his divorce from Felicity Starks? A Yes, sir.
- Q Whom did he marry? A Blanch M. Hall.
- Q Do you know when they were married? A Only from the records.
- Q In what form are these records? A Bible records. I have here a leaf taken from the family bible showing the date of their marriage.

(Robert O. Knight herewith presents a leaf evidently taken from the family bible, where under the head of Marriages appears the following notation: "T. H. Stark and B. M. Hall, March 9th, 1873" and upon the opposite side of which under the heading of Births appears the following notations written in ink: "T. H. Stark, August 1st, 1833, in Woodville, Wilkerson Co., Miss." also "Emma Stark, May 3, 1868, Cho. Nat. Ind. Terry.")

- Q Under the heading of Births on this page appears the name of Emma Stark, May 3, 1868, Cho. Nat. Ind. Terry: who is this Emma Stark herein referred to? A The oldest child of Thomas H. Stark by his first wife, Felicity Stark.
- Q Is this Emma Stark still living? A Yes, sir.
- Q Has Emma Stark ever made application for enrollment? A Yes, sir, she is upon the approved rolls of the Dawes Commission as Emma Dodson, as she is now married under that name, as a Choctaw by blood. She also has a brother by the name of Thomas Stark who is enrolled as a Choctaw by blood.

(Witness excused)

I, Fay E. Blachert, stenographer to the Commissioner to the Five Civilized Tribes, upon oath, state that I reported the proceedings in the above and foregoing cause and that the same is a true and correct transcript of my stenographic notes taken therein.

Fay E. Blachert

Subscribed and sworn to before me this 3rd day of February, 1907.

Richard Sharaf 14
Notary Public.

6

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Bennington, Indian Territory, February 3, 1907.

In the matter of the application for the enrollment of Thomas H. Stark as an inter-married citizen of the Choctaw Nation.

Thomas Stark, being first duly sworn and examined, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Thomas Stark.
Q How old are you? A Thirty.
Q What is your postoffice address? A Bennington.
Q What is the name of your father? A Thomas H. Stark.
Q What is the name of your mother? A Felicity Stark or Long.
Q Do you know when your father and mother came to the Choctaw Nation? A No, sir, I couldn't tell you when they came.
Q Do you know how long they lived together? A I was about two years old when they parted.
Q You don't know exactly what year they separated? A No, sir.
Q Did your mother, Felicity Stark, nee Long remarry after their separation? A Yes, sir, she married again.
Q Do you know when and to whom? A No, sir, I don't know that.
Q You don't know what her name was about the year 1885? A No, sir, I don't.
Q Is Felicity Long now living? A No, sir, she is dead.
Q Do you know when she died? A No, sir, I couldn't tell, it has been fifteen or twenty years ago since she died.
Q Do you know whether she was ever enrolled or not? A I couldn't tell you.
Q Do you know whether she was ever admitted by Act of Council? A No, sir, I was little then, I don't recollect.

(Witness excused)

R. P. Noland, being first duly sworn and examined, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A R. P. Noland.
Q How old are you? A I will be sixty-five the 17th of June.
Q What is your postoffice address? A Bokchito.
Q Were you personally acquainted with Thomas H. Stark and his wife Felicity Stark, or Long? A Yes, sir, I was as well acquainted with him as with any body in our country there.
Q Do you know whom were the parents of Thomas H. Stark and his wife? A I was acquainted with Thomas H. Stark's mother, but I don't know what her given name was. Felicity Long's father's name was Sam Long.
Q Do you know when Thomas H. Stark and his wife, Felicity Long came to the Choctaw Nation? A I can't be positive, but I think it was in 1867 that he and his wife left Mississippi and came to the Territory.
Q Do you know how long Thomas H. Stark and his wife lived together? A No, sir, I have no idea.
Q Do you know if Felicity Long remarried after she and her husband, Thomas H. Stark separated? A No, sir, I don't know anything about it.
Q Where were you living when you knew Thomas H. Stark and his wife? A I was living in Carroll County, Mississippi, and Thomas H. Stark was living in Carroll County also.

Thomas H. Stark.

- 2 -

- Q How do you know that Thomas H. Stark and his wife, Felicity Long came to the Indian Territory in about 1867; did he state this to you as being his intention when he left? A That was the understanding that he and his wife came to the Indian Territory.
- Q Then to the best of your knowledge it was the general understanding in the country in which Thomas H. Stark lived that he was going to the Indian Territory when he left that place? A Yes, sir, I feel sure that he went there at that time.
- Q Do you know if Thomas H. Stark and Felicity Long were ever married to any body else prior to the marriage between them? A Not that I know of. I knew Thomas H. Stark when he was quite a youngster, and Felicity Long when she was a young girl, and when she was married and I am satisfied that neither of them were ever married before.

(Witness excused)

W. J. B. Lloyd, being first duly sworn and examined, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A W. J. B. Lloyd.
- Q How old are you? A In my seventy-second year.
- Q What is your postoffice address? A Bennington.
- Q Were you personally acquainted with Thomas H. Stark and his wife, Felicity Stark, or long? A I was with Thomas H. Stark, but not with Felicity.
- Q Do you know when he and his wife came to the Choctaw Nation? A I do not.
- Q Do you know about what time they came? A It was not far from 1870, but I don't know just when.
- Q Do you know what his wife's name was after they had come to the Indian Territory? A It was my understanding that Felicity was the only name that I ever heard for her.
- Q Do you know when he and his wife were separated? A I cannot tell the year, but after they separated he came into my neighborhood, and he was here a year or so before he was married the second time. I think it was October, 1873, but I am not positive.
- Q Do you know when and to whom she was married the second time? A I heard she had another husband in Mississippi when she went there, and understood that she married a Rooney after she came back here.
- Q Do you know what her name was in 1885? A No, I don't. It was not far from that time when she came back from Mississippi. The last Choctaw Council at Armstrong was in 1883, and it was shortly after that that Felicity Stark came back and she was married shortly after that to a Rooney as I understand.
- Q Do you know when Felicity Stark or Long died? A No, I don't.
- Q Do you know whether she was ever admitted as a citizen by an Act of Choctaw Council? A No, I don't know.

(Witness excused)

I, Fay E. Blachert, stenographer to the Commissioner to the Five Civilized Tribes, upon oath state that I reported the proceedings in the above and foregoing cause, and that the same is a true and correct transcript of my stenographic notes taken therein.

Subscribed and sworn to before me this 7th day of February, 1907.

Fay E. Blachert
Richard Sharps
Notary Public.

7-R-290
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the census card record in this case that in August, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

It further appears from the record herein that on February 1, 1866, the applicant was under the laws of the State of Mississippi married to Felicity (or F. L.) Long, a Choctaw by blood, who died in September, 1887; that at the time of said marriage both persons above mentioned were residents of the State of Mississippi; that in 1868 they removed to the Choctaw Nation; that on March 4, 1873, a decree of divorce was granted the applicant from said Felicity Long; and that thereafter the latter married one Rooney (or Rummy).

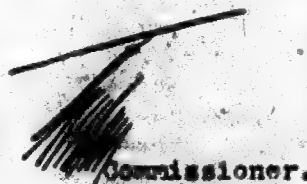
It further appears from the records of the Commission to the Five Civilized Tribes that on September 7, 1896, in the case entitled "Thos. Starks vs. Choctaw Nation" (1896 Choctaw citizenship Docket, case No. 829), the applicant, Thomas H. Starks made original application to said Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation as a citizen by intermarriage thereof, and, on December 4, 1896, said Commission rendered its decision, denying said applicant; that from this decision of the Commission an appeal was taken to the United States Court for the Central District of the Indian Territory, which Court, on September 11, 1897, in the case entitled "T.B. Starks vs. Choctaw Nation", (Citizenship case, No. 69), entered of record a judgment affirming the decision of said Commission and denying to the said Thomas H. Starks (as T. B. Starks) citizenship in said nation. Said cause was not appealed or certified to the Choctaw-Chickasaw Citizenship Court, created by the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo within the time prescribed by the provisions of said Act of Congress approved July 1, 1902.

It does not appear from the record herein or from the records in the possession of this office that Felicity Long, through whom the applicant claims his intermarried rights, was ever recognized or enrolled by the Choctaw tribal authorities as a citizen by blood of the Choctaw Nation; her name is not identified upon the 1885 Choctaw Census Roll although she was living at the time the said Roll was prepared.

The records of this office further show that her children, Thomas Starks (born in the year 1872), and Emma Dodson (born in the year 1868), who have finally been enrolled as citizens by blood of the Choctaw Nation, never had any tribal recognition prior to 1896 when they were placed upon the 1896 Choctaw Census Roll.

The applicant is identified upon the 1885 Choctaw Census Roll, Blue County, opposite No. 11.

I am, therefore, of the opinion that the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Muskogee, Indian Territory,

FEB 19 1907

7-R-790.

COPY

Muskogee, Indian Territory, February 19, 1907.

Thomas H. Starks,
Bennington, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.
Incl. 7-R-790.

7-R-790

COPY

Muskogee, Indian Territory, February 19, 1907.

Robert O. Knight,
Bennington, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.
Incl. 7-R-790.

7-R-790

COPY.

Muskogee, Indian Territory, February 19, 1907.

Thomas Norman,
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Jams Bixby*

Commissioner.

Registered.

Incl. 7-R-790.

7-R-790.)

COPY

Muskogee, Indian Territory, February 19, 1907.

J. L. Rappelee,
Calde, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Registered.

Commissioner.

Incl. 7-R-790

7-E-790.

COPY

Muskogee, Indian Territory, February 19, 1907.

Brook & Brook,

Attorneys-at-law,

Muskogee, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.
Incl. 7-E-790.

7-R-790.

COPY

Muskogee, Indian Territory, February 19, 1907.

Ferguson & Richardson,

Attorneys-at-law,

Durant, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.
Incl. 7-R-790.

7-R-790.

COPY

Muskogee, Indian Territory, February 19, 1907.

Williams & Utterback,
Attorneys-at-law,
Durant, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered .
Incl. 7-R-790.

7-R-790

COPY
Muskogee, Indian Territory, February 22, 1907.

G. W. Walters,
Attorney at law,
San Baha, Texas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 12, 1907, denying the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Jame Bieby*

Commissioner.

Registered.

Incl. 7-R-790

7-R-790.

COPY

Muskogee, Indian Territory, February 19, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Incl. 7-R-790.

COPY

Muskages, Indian Territory, February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, denying said application.

Respectfully,

SIGNED

Tame Bixby

Commissioner.

2 Incl. 7-A-790.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L. T. D.
6074, 6096, 6126, 6146-07.
6122, 6770, 6802, 6822-08.
6834, 6842, 6842, 6844-07.
6880, 6882, 6882, 6882-07.
6884, 6870, 6882, 6884-07.
6894, 6898, 6898, 6898-07.
6898, 6904, 6904, 6904-07.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cheatew citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of Your Letter of Transmittal.
Oye Richardson, Jr., (Freedman),	February 14, 1907.
Ernest and Willie Lee Hughes (Freedman),	February 14, 1907.
Mary Berrie Clayton,	February 15, 1907.
Alexander Harland, (Freedman),	February 15, 1907.
Harvest and Louis Fields (Freedman),	February 15, 1907.
Glad Vaid Thompson (Freedman),	February 15, 1907.
Levie Freney (Freedman),	February 15, 1907.
Kate D. Johnson (Miss. Chas.),	February 15, 1907.
John Littlejohn et al. (Freedman),	February 16, 1907.
Tobias Louis and James Russell (Freedman),	February 19, 1907.
Richard Hamley (Freedman),	February 19, 1907.
Mary Plummer,	February 14, 1907.
Esch Alton Callaway,	February 21, 1907.
Billy Cole (Freedman),	February 21, 1907.
Albert P. and Edith Ford,	February 21, 1907.
Blanch Estelle Astrey et al.,	February 21, 1907.
Paul Jones,	February 21, 1907.

Title of Case.

**Date of Your
Letter of Transmittal.**

Frances and Viola Brown (Freedmen),	February 14, 1907.
Hattie Smith (Freedman),	February 19, 1907.
Ora Williams (Freedman),	February 25, 1907.
William F. Hoxley,	February 21, 1907.
York and Nora Hoxleys,	February 14, 1907.
Annie Martins (Freedman),	February 14, 1907.
Francis York,	February 21, 1907.
J. W. Haffman, et al.,	February 15, 1907.
Sam W. and Joe A. Potts,	February 19, 1907.
Nev. Wright,	November 20, 1906.
Thomas H. Starks, (intermarried)	February 19, 1907.

A copy herewith and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

25 inc. and 54 inc.
for Indian Office.

W.C.V.
3-3-07.

LAND
18334-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed report from Commissioner Bixby, dated February 19, 1907, transmitting the record relative to the application for the enrollment of Thomas H. Starks, as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner, dated February 19, 1907, adverse to the applicant.

The decision of the Commissioner has been examined, and found to be correct, and it is recommended for approval.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

HRD-LC..

74R-790

Muskogee, Indian Territory, April 2, 1907.

Thomas H. Stark,

Bennington, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Stark as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-R-790

Muskogee, Indian Territory, April 2, 1907.

Robert O. Knight,

Bennington, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Stark as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-R-790

Muskogee, Indian Territory, April 2, 1907.

Thomas Norman,

Armore, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Stark as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

E. D. Rogers

Acting Commissioner.

7-R-790

Muskogee, Indian Territory, April 2, 1907.

J. L. Rappelee,

Calde, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Stark as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. P. Rodgers.

Acting Commissioner.

7-R-790

Muskogee, Indian Territory, April 2, 1907.

Brook & Brook,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes rendered February 13
19, 1907, denying the application for the enrollment of Thomas
H. Stark as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. W. Rogers

Acting Commissioner.

7-R-790

Muskogee, Indian Territory, April 2, 1907.

Ferguson & Richardson,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen.

You are hereby advised that on March 2, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes, rendered February
19, 1907, denying the application for the enrollment of
Thomas H. Stark as a citizen by intermarriage of the Choctaw
Nation.

Respectfully,

Acting Commissioner.

7-R-790

Muskogee, Indian Territory, April 2, 1907.

Williams & Witterback,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes, rendered February
19, 1907, denying the application for the enrollment of
Thomas H. Starks as a citizen by intermarriage of the Choctaw
Nation.

Respectfully,

Acting Commissioner.

7-R-790

Muskogee, Indian Territory, April 2, 1907.

G. W. Walters,
Attorneys at Law,
San Baba, Texas.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-R-790

Muskogee, Indian Territory, April 2, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 3, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes, rendered February
19, 1907, denying the application for the enrollment of
Thomas H. Starks as a citizen by intermarriage of the
Choctaw Nation.

Respectfully,

Acting Commissioner.

Bennington, Vt. 9/30 1905

I herewith I Enclose
you death proof and affidavit
from Elizabeth H Simpson
and R. P. Noland.

Do If every more evidence
is needed let me know at once
I am a sore anus of
the old man acting a
Administrator

Napoleon B. McClure

7-R-290

Muskogee, Indian Territory, September 3, 1905.

Napoleon B. McClure,
Bennington, Indian Territory.

Dear Sir:

Replying to your letter of September 2nd, you are informed that no decision has as yet been rendered by the Commissioner upon the application of Thomas H. Stark for enrollment as a citizen by intermarriage of the Choctaw Nation. Testimony in this matter was not submitted until July 29, 1905, at which hearing you were present.

The evidence submitted in this case does not conclusively show that Thomas H. Stark was married to a citizen by blood of the Choctaw Nation in conformity with the tribal laws, customs and usages.

Respectfully,

Acting Commissioner.

7-R-290

Muskogee, Indian Territory, September 21, 1905.

Thomas H. Starks,

c/o J. L. Rappelee,

Caldo, Indian Territory,

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to appear at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, and give further testimony relative to your right to enrollment as such intermarried citizen.

This matter should receive your immediate attention.

Respectfully,

Acting Commissioner.

7-B-290

Substitute

Muskogee, Indian Territory, September 22, 1905.

Williams & Utterback,

Attorneys at Law,

Durant, Indian Territory,

Gentlemen:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation, it will be necessary that a sworn statement be filed with this office showing whether or not, Thomas H. Starks and his wife, Folicity Long, were married prior to their marriage to each other.

It will also be necessary that this office be furnished with evidence of the recognition of Folicity Long as a citizen by blood of the Choctaw Nation. If shown admitted by an act of the Choctaw council, either the original or a certified copy of said act of admission should be forwarded at once.

Respectfully,

Acting Commissioner.

7-R-290

Substitute

Muskogee, Indian Territory, September 22, 1905.

Thomas Starks,

Bennington, Indian Territory,

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to furnish this office with a sworn statement showing whether or not your father and mother were married prior to their marriage to each other.

For this purpose there is inclosed you herewith a blank affidavit which you are requested to take before some Notary Public and answer under oath the questions therein propounded, returning the same in the inclosed envelope which requires no postage.

It will also be necessary for you to furnish this office with evidence of the recognition of your mother, Felicity Long, as a citizen by blood of the Choctaw Nation. If she was admitted by an Act of the Choctaw Council, either the original or a certified copy of the act of admission should be forwarded at once.

Respectfully,

7-R-290

Muskogee, Indian Territory, October 10, 1905.

Williams & Utterback,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of September 25, 1905, relative to the application of Thomas H. Starks for enrollment as an intermarried citizen of the Choctaw Nation, in which you ask to be advised if the name of his wife, Felicity Long, appears upon any of the old rolls of the Choctaw Nation.

In reply to your letter you are advised that it appears from the records in this case, that Felicity Long is the daughter of Samuel Long, who was provided for in the supplement to the treaty of September 27, 1830. You are informed, however, that the name of Felicity Long, or Stark, is not found upon any of the tribal rolls of the Choctaw Nation in the possession of this office, nor is there anything in the records to establish that she ever removed from Mississippi to the Indian Territory, and was recognized as a citizen of the present Choctaw Nation.

You will be allowed a reasonable length of time to introduce evidence of her removal to the present Choctaw Nation and her tribal recognition, but it is desirable that the same

W & D #2

should be secured as early as possible in order that disposition may be made of the application for the enrollment of Thomas H. Starks as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Chectaw R 290

Muskogee, Indian Territory, October 11, 1905.

Brook & Brook,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 7, asking the status of the application of Thomas H. Stark for enrollment as an intermarried citizen of the Chectaw Nation.

In reply you are advised that no action has yet been taken in this case, and the applicant has been allowed additional time within which to introduce evidence of the tribal recognition and enrollment of the wife through whom he claims a right to enrollment.

Respectfully,

Commissioner.

7-R-290

Muskogee, Indian Territory, April 2, 1906.

Robert O. Knight,
Bennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 27, 1906, asking the status of the citizenship of Thomas H. Stark and requesting to be advised if his name appears upon any of the Choctaw rolls in this office.

In reply to your letter you are advised that no action has yet been taken in the matter of the application of Thomas H. Stark for enrollment as an intermarried citizen of the Choctaw Nation.

You are further advised that his name is found upon the 1885 Choctaw census roll, Blue County.

Respectfully,

Acting Commissioner.

7-R-290

Muskogee, Indian Territory, May 14, 1906.

Robert Knight,

Bennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 4, 1906, in which you state that the Frances Crowder concerning whom you desired information in a previous letter was married to Thompson Crowder May 8, 1904.

In reply to your letter you are advised that it does not appear from the records of this office that application has been made by or on behalf of the Frances Crowder to whom you refer for enrollment as an intermarried citizen of the Choctaw Nation.

Replying to that portion of your letter in which you ask if further evidence is necessary in the matter of the application of Thomas H. Stark for enrollment as an intermarried citizen of the Choctaw Nation you are advised that this application is now receiving consideration and when a decision is reached you will be notified of the action taken therein. If further evidence is necessary to enable this office to determine his right to enrollment you will be duly notified.

Respectfully,

Acting Commissioner.

7-R-290

Muskogee, Indian Territory, August 28, 1906.

Robert O. Knight,
Bensington, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 13, 1906, asking if further action has been taken in the matter of the application of Thos. H. Stark for enrollment as an intermarried citizen of the Choctaw Nation.

In reply you are advised that the application of Thomas H. Stark for enrollment as an intermarried citizen of the Choctaw Nation is receiving consideration and you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

7-B-290

Muskogee, Indian Territory, September 1, 1906.

Robert Knight,

Wennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 28, 1906, asking if the Choctaw intermarried citizenship case of Thomas H. Starks has yet been decided.

In reply to your letter you are advised that the application for the enrollment of Thomas H. Starks for enrollment as an intermarried citizen of the Choctaw Nation is under consideration, but no decision has yet been reached. You will be notified of such action as is taken therein.

Respectfully,

Acting Commissioner.

7-R-290

Muskogee, Indian Territory, October 12, 1906.

Robert O. Knight,

Bennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 4, 1906, giving the name of the mother of Thomas Stark.

In reply to your letter you are advised that this information has been made a part of the record in the matter of ~~his~~ application of Thomas Stark for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-290

Muskogee, Indian Territory, December 8, 1906.

Furgerson & Richardson,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of November 14, 1906, asking the status of the application for the enrollment of Thomas H. Stark as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that this case is now receiving consideration and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

7-R-290

Muskogee, Indian Territory, January 24, 1907.

Richard Shanafelt,
Coalgate, Indian Territory.

Dear Sir:

There is inclosed you herewith copy of the testimony taken in the matter of the application for the enrollment of Thomas H. Stark as an intermarried citizen of the Choctaw Nation and a statement as to the testimony necessary to secure in this case.

It appears that Thomas H. Stark is dead but his son Thomas Stark lives at Bennington, Indian Territory, and when you are at that place you should endeavor to see him for the purpose of procuring this testimony.

Respectfully,

EB 4-24.

Commissioner.

7-R-290

Muskegee, Indian Territory, January 24, 1907.

Robert O. Knight,

Bennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 30, 1906, asking what action has been taken in the matter of the application for the enrollment of Thomas H. Stark as an intermarried citizen of the Choctaw Nation; you also ask if a copy of the divorce granted March 4, 1875 to Thomas H. Stark is on file.

In reply to your letter you are advised that it appears that the divorce referred to has not been filed with the record in this case.

You are further advised that no action has yet been taken in this case, but you will be notified when a decision is rendered therein.

Respectfully,

Commissioner.

7-R-290

Muskogee, Indian Territory, February 1, 1907.

Robert O. Knight,

Bennington, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 29, 1907, inclosing letters from Green McCurtain and Chas. LaFlore, which you offer in support of the application for the enrollment of Thomas Stark as a citizen by intermarriage of the Choctaw Nation. The same have been filed with the record in this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, February 7, 1907.

Mr. Thomas Norman,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 1, 1907, enclosing affidavits of Charlie McPherson, F. W. Hunter, Emma Dodson, John W. Dodson, R. C. Gardner, R. P. Noland, and Morris E. Smith which I offer in support of the case of Thomas H. Starks as an intermarried citizen of the Choctaw Nation, and the same have been filed with the records in this case.

Also a certified copy of the bill of divorce of T. H. Starks, and Felicity Starks, and petition of Dr. T. H. Starks.

Respectfully,

Commissioner.

12634

Department of the Interior
RECEIVED

MAR 2 1907

No. 1 of No. 6968

Choc. R. 290

244/261
REFER IN REPLY TO THE FOLLOWING:

LAND
18334-1907.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

C O P Y

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed report from Commissioner Bixby, dated February 19, 1907, transmitting the record relative to the application for the enrollment of Thomas H. Starks, as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner, dated February 19, 1907, adverse to the applicant.

The decision of the Commissioner has been examined, and found to be correct, and it is recommended for approval.

Very respectfully,

O F Larrabee

Acting Commissioner.

HRD-LC..

R. 291

Valeria C. Sutherland

Record transferred to
Choctaw Card # 3665.

R. 292

Lona Pabor

Record transferred to
Choctaw # D 13.

CHOCCTAW.

R. 293

Denise Taylor

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCCTAW

REFER TO M. O. R. #162.

CHOCTAW

R 294

Cornelius B. Taylor

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #46.

CHOCTAW:

R 295

Eliza A. Taylor

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.C.R. #45

CHOCTAW

R 296

John L. Taylor

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. * 47.

Choc R297

Jessie M. Taylor

R297

FILED
JUN 21 1900
COMMISSION TO FIVE TRIBES.

MEMORANDA.

(Date) JUN 21 1900 1899.

Name *Jesse M Paylor* *Midland T.*

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day, *Father, William Shellondale*

Wife's name, *Mollie* *Mother (E. S. Shaw) living*

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ? *Intermarried*

Married under what law ?

License filed this day

Names of children:

<i>James Walter</i>	<i>(11)</i>	County	Year	Page	No.
<i>Emma</i>	<i>(14)</i>	County	Year	Page	No.
<i>Clara</i>	<i>(17)</i>	County	Year	Page	No.
<i>Louisa</i>	<i>(3)</i>	County	Year	Page	No.
<i>Alvin</i>	<i>(1)</i>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

Father James Paylor dead
mother Louisa

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Jesse M. Taylor for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A Jesse M. Taylor.
- Q How old are you? A Thirty-nine.
- Q Have you ever been on the Choctaw rolls? A No sir.
- Q Have your father and mother ever been on the Choctaw rolls?
- A No sir.
- Q When did you come to the Territory? A In 1886.
- Q Have you been here ever since? A Yes sir.
- Q Where did you come from? A Texas.

Com'r McKennon: As you are not enrolled we have no authority to enroll you, and your enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 21, 1900.

In the matter of the application of Jesse M. Taylor, et al, for enrollment as Choctaws by blood, Jesse M. Taylor being first duly sworn by Acting Chairman, Bixby, testified as follows:

- Q What is your name? A Jesse M. Taylor.
Q What your age. A Forty.
Q What is your postoffice address? A Midland, I.T.
Q How long have you lived at Midland? A Since About February, 1899.
Q Where did you come from to Midland? A Ardmore.
Q How long have you been at Ardmore? A Have been in the Territory since 1886.
Q Where did you come from to the Territory? A Texas.
Q How long did you live in Texas? A About 15 years.
Q Where did you come from to Texas? A From Arkansas.
Q Have you lived in the Territory continuously for the past three years? A Yes sir.
Q Do you claim as a Choctaw by blood or as a Mississippi Choctaw? A Choctaw by blood.
Q What is your father's name? A James Taylor.
Q Is he living? A No sir.
Q Was he a citizen of the Choctaw Nation? A No sir, he was a white man.
Q What is the name of his mother? A I don't know.
Q What was the name of his father? A I don't know for sure they called his mother Patsey.
Q Who was your mother? A Louisa Connally, her maiden name.
Q Is she living? A No sir.
Q Was she a Choctaw Indian or a white woman? A One quarter Choctaw
Q Was she ever recognized by the Choctaw Indians as a Choctaw? A Not that I know of.
Q Is her name on any of the tribal rolls of the Choctaw Nation? A No sir. She was in the Eastern portion of the Choctaw Nation when she was small.
Q Did you ever apply to the Tribal authorities of the Choctaw Nation for citizenship? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Then this is the first application you ever made? A No sir. I applied about September 1st, 1899 at Atoka.
Q What action did they take? A They would not hear me.
Q Did they take your testimony? A Yes sir.
Q Did the Commission tell you anything? A Said they could not hear me.
Q Was it not on the ground that your father and mother were not upon the tribal rolls - What is your mother's name? Nellie A. Shelton, her maiden name.
Q What is her age? A Thirty.
Q Do you claim for her as an inter-married citizen of the Choctaw Nation? A Yes sir.
Q What is the name of her father? A Gilliam Shelton, I think.
Q He living? A No sir.
Q What is the name of her mother? A Emma Shelton.
Q Is she living? A Yes sir.
Q Her parents are both white people? A Her mother is a quarter Choctaw but they never put in any claim.
Q She has never been recognized by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A No sir.
Q Her parents have never been recognized as Choctaws? A I think her mother was recognized as a Choctaw Indian in Mississippi by the tribal authorities.

Q Do you think she was on the roll's there? A I don't know but I have heard that.

Q Do you know of your own knowledge about it? A No sir.

Q Under what law did you marry your wife? A Law of Texas. I was married in Texas, Cook county.

Q When? A In February, 1886.

Q You lived in the Territory at that time? A Yes sir.

Q Did your wife live in Indian Territory? A Yes sir.

Q Neither your wife or yourself are on any of the Choctaw tribal rolls? A No sir.

Q Are there any of your relatives that are on the rolls? A My grand mother was on the roll.

Q On what roll? A On the 1830 roll I guess.

Q As a Mississippi Choctaw do you think? A I don't know.

Q Why do you think she is on that roll? A I always understood that she came here with the Choctaw Indians.

Q You knew nothing of it of your own knowledge? A No sir.

Q Have you any children? A Five.

Q You make claim for them? A Yes sir.

Q Do you claim them to be citizens of the Choctaw Nation by blood? A Yes sir.

Q Give the name of each that is under 21 years of age and unmarried that are living with you? A James Walter 11, Emma 9, Clara 7 about, Louisa 3 I think, and Alvin 1.

Q These children have always been living with you? A Yes sir.

Q They are living with you now? A Yes sir.

Q Their residence now is the same as yours? A Yes sir.

Q Are there any additional statements in regard to your case that you desire to make? A Yes sir. My great grand mother (by tradition) moved with the Indians from Mississippi and settled in the Eastern portion of the Choctaw Nation, and lived and died there. My Grand father made two trips, went back to Tennessee and that is where he died; my grand mother was there in the Eastern portion of the Choctaw Nation.

Q Was your mother born in the Choctaw Nation? A No sir, she was born in Tennessee I think.

Q Is there anything further that you wish to say? A They went to Tennessee, to Arkansas and back.

Q Have you any evidence in the form of written testimony or other proper papers which you wish to file at this time? A Yes sir.

The Application of J. M. Taylor et al for enrollment as citizens of the Choctaw Nation, including the affidavits of J. M. Taylor, J. P. Lawrence, James A. Taylor, Patsey Potts, M. R. Blackburn, I. I. Stallings and M. Davis, offered in evidence and filed, marked exhibit "A" and made a part of the records.

Q Is there some error in these papers which you wish to correct? A Yes sir.

Q What is it? A The name of the child of my niece appears as Artles Fuller, when it should appear as Leland.

Q How did that mistake occur? A We was together, some of them said it was Artles and it was put down as Artles. Another name is down as Roy Bugg, my nephew, his name should appear as Roy Calvin, which is his correct name.

Q Are there any other papers which you desire to file? A Yes sir, later on I desire leave to forward some evidence which you may file.

Q Unless they are filed during the session of the Commission at this place they will not be received for the consideration of this Commission, but will be sent to the Honorable Secretary of the Interior when the final rolls of the Choctaw Nation are forwarded to him for approval.

You will be furnished, later on, with a copy of the decision of the Commission in regard to your application for yourself and your wife and minor children for enrollment as citizens of the

Jesse M. Taylor -3-

Chectaw Nation, which will be mailed to your present postoffice address.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

James M. Taylor

Subscribed and sworn to before me this 14 day of August, 1900.

[Signature]
Acting Chairman.

In the matter of the application for Enrollment in The Choctaw
Tribe of Indians, of J.M. Taylor, et al., Before
The Commission to the Five Tribes.

-----O-----

TO THE HON. SECRETARY OF THE INTERIOR:

We, your petitioners, herewith make application for enrollment in the Choctaw Nation as members of the Choctaw Tribe of Indians believing that the evidence adduced before the Dawes Commission on the 2nd day of September, 1899, which was rejected by the Said Commission would have been sufficient to have admitted us and each of us named in the petition accompanying the evidence in this case, to citizenship. We stated that we were ready and willing and offered to produce witnesses to bear out our claim and substantiate the same, but were denied this privilege by the said Commission.

We further state that the names of our families as found in the affidavit of James A. Taylor, are true and correct and represent fully the members of our families who desire to become and are applicants herein, together with the statement of marriages and the residence of said applicants.

Wherefore we ask that you consider carefully the evidence herewith submitted, that justice may be done in the premises, and that our names may be added to the rolls of the Choctaw citizens by blood.

(Signed) Jesse M. Taylor

James A. Taylor

James D. Taylor

R. D. Ardrey

James E. Taylor

Joe Taylor

Tom Taylor.

INDIAN TERRITORY,
Central District.

In the matter of the enrollment of Jessie M. Taylor, et al
to Citizens of the Choctaw Nation, Indian Territory.

Mrs. Patsy Poff being first duly sworn, deposes and says:

My name is Patsy Poff, I am a half-breed Choctaw and am near
70 years old. My postoffice is Foster, Chickasaw Nation. I came
from Mississippi to the Choctaw Nation. I knew Elizer Cooper
and know that she came from the state of Mississippi at the same
time I did. I know that the said Elizer Cooper was a full-blood
Choctaw woman. I know that she had a daughter by the name of Anna,
who afterwards married a white man by the name of Connell, and that
they afterwards lived in the Eastern portion of the Choctaw
Nation on Red River. I knew these people to be Choctaw Indians.

Witness D Brown.

her
Patsy Poff
mark

Subscribed and sworn to before me this 30th day of August, 1899.

Dwight Brown

Notary Public.

Indian Territory.

Central District.

In the matter of the enrollment of Jessie M. Taylor, et al, citizens of the Choctaw Nation, Indian Territory.

M.E.Blackburn being first duly sworn, deposes and says:

My name is M.E.Blackburn, I am 86 years old and I reside in Pickins County, Chickasaw Nation. I am a citizen of the United States. I know the applicants in this action and know them to be descendants of Louisa Tyalor. The said Louisa Taylor I know to be the daughter of Anna Conel, and the said Anna Conel I know to be the daughter of Eliza Cooper. The said Eliza Cooper emigrated to the Indian Territory as a full-blood Choctaw woman, and raised a family in the Choctaw Nation, On Red River. She had a daughter by the name of Anna, who afterwards married a white man, by the name of Connell, and as the legal issue of said marriage, there was born unto this woman a daughter by the name of Louisa who was married to James Taylor, unto them were born four children: Jessie M. Taylor; John G. Taylor, William Taylor, and James Taylor, who are applicants for enrollment herein--the said John G. Taylor and William Taylor are now deceased, and their widows and children are claimants herein--and the children who's names are found in the petition here in are true and correct.

M.E.Blackburn.

Subscribed and sworn to before me this 29 day of August, 1899.

Dwight Brown,

Notary Public.

C O P Y .

Indian Territory,
Central District.

In the matter of the enrollment of Jessie M. Taylor, et al., citizens of the Choctaw Nation, Indian Territory.

J. I. Sallings being first duly sworn, states on his oath as follows: My name is J. I. Sallings, I am 53 years old and I reside at Oakland, I.T., I am personally acquainted with the applicants named herein and have known them since 1864. My information from the family tradition and the common acceptance of the reputation of these people is that they are descendants of Louise Taylor, who married James Taylor. I further certify according to my best knowledge and belief that the above mentioned applicants are of Indian blood, their mother being a descendant of Eliza Cooper, as I am informed. I have known these applicants for a number of years during which time they have been residents of the Chickasaw Nation, and always claimed to be Choctaws by blood. I know that Jessie M. Taylor married a white woman by the name of Mollie Shelton, and I know that unto them were born several children as legal issue of said marriage. I know James Taylor who was also married to a white woman, named Jennie Shelton. I knew John G. Taylor during his life time and I know that he had a family of children, one of whom is J.D. Taylor. They have resided continuously in the Chickasaw Nation for the past 15 years to my knowledge.

Witness: D. Brown.

his
J. I. Sallings.
mark

Subscribed and sworn to before me this 29 day of August, 1899.

(L. S.)

Dwight Brown,
Notary Public.

INDIAN TERRITORY, }
SOUTHERN DISTRICT.) ss.

In the matter of the enrollment of Jessie M. Taylor et al.
citizens of the Choctaw Nation, Indian Territory.

personally appeared before me W. F. Noble, a Notary Public, in and for the Southern District of the Indian Territory, Jessie M. Taylor, whose post office address is Ardmore, I.T. and who being first duly sworn by me, on oath, stated as folloed:-

My name is Jessie M. Taylor. I am 40 years of age and I reside at Ardmore, I.T. I am a Choctaw citizen by blood and have always claimed to be one. I am a lawful descendant of Eliza Cooper, who was a full blood Choctaw woman and emigrated, sometime in the thirties, to the Choctaw Nation, from the State of Mississippi. She came to the Indian Territory with some other Indians and lived in the Choctaw Nation on Red River, up to the time of her death. She was a member of the Choctaw tribe of Indians and her name appears upon their roll as such. She raised a family of children, among whom was one named Annie Cooper. Annie Cooper married Robert Connell and as the issue of this marriage, there was born a daughter by the name of Louisa Connell. The said Louisa Connell married James Taylor and there were born unto them the following named children, towit:- John Taylor, William Taylor, James A. Taylor and myself, Jessie M. Taylor. My brother, John Taylor, married a white woman by the name of Malissa Ann Tucker and as a legal issue of said marriage, there were born three children, to wit:- Louisa Taylor, who married Bob Ardrey and unto them were born five children, to-wit:- Odey Ardrey, aged 14 years, Lee Ardrey, aged 12 years, Lena Ardrey, aged 10 years, May Ardrey, aged 8 years and Artless Ardrey, aged 4 years. The second child of John and Malissa Ann Taylor was named William Henry Taylor, aged thirty years and he is unmarried. The third child of John and Malissa Ann Taylor was named James D. Taylor, aged 28 years. He married a white woman by the name of America Staples and the issue of that marriage was three children, to-wit:- Carrie Taylor, aged 5 years, Lula Taylor, aged 3 years and Delbert Taylor, aged 8 months. This completes the list of descendants of my brother, John Taylor and his wife, Malissa Ann Taylor. My second brother, William Taylor, married a white woman by the name of Nancy Cox and they had born unto them eight children, to-wit:- James E. Taylor, ages about 32 years. He married a white woman by the name of Maggie Tutton and unto them were born three children, to-wit:- Lela Taylor, aged 10 years, Ella-belle Taylor, aged 8 years and Willie Taylor, aged 4 years. The second child of William and Nancy Taylor was named Joe Taylor and is about 31 years of age. He married a white woman by the name of Florence May and unto them were born two children, to-wit:- John Taylor, aged 3 years and Bennie Taylor aged about 10 months. The third child of William and Nancy Taylor, was named Tom Taylor and is about 28 years of age. He married a white woman by the name of Lilly Fuller and unto them were born two children, to wit:- Herbert Taylor, aged 2 years and Bogg Taylor aged about 8 months.

the fourth child of William and Nancy Taylor was named Luella Taylor, aged about 19 years. She married a man by the name of Claude Fuller and as the issue of said marriage there were born unto them two children, to-wit:- Ruby Fuller, aged two years and Artless Fuller, aged 10 months. The remaining four children of my brother William Taylor and his wife Nancy Taylor, are unmarried and their names are as follows:- Gus Taylor, aged 24 years, Allay Taylor, aged 21 years, Jessie Taylor, aged 16 years and Pearl Taylor, aged 10 years. James A. Taylor is the third child of James Taylor and Louisa Taylor. He married a white woman by the name of Jennie Melton and unto them were born the following children, to wit:- William Earl Taylor, aged 14 years, Jessie Taylor, aged 12 years, Joseph Taylor, aged 9 years, Harvey Taylor, aged 7 years, Oscar Taylor, aged 5 years and Bertie Taylor, aged 3 years. I am the fourth child of James and Louisa Taylor and I married Mollie Shelton, a white woman, and unto were born five children, to wit:- Walter Taylor, aged 10 years, Emma Taylor, aged 8 years, Clara Taylor, aged 6 years, Ludie Taylor, aged 3 years and Alvin Taylor aged 6 months. The following is a list of those that are dead:- John Taylor, William Taylor and his wife, Nancy Taylor, Louisa Ardrey, James D. Taylor and Maggie Taylor. The remaining persons are now all living within the Chickasaw Nation Indian Territory, and are claiming their rights to Indian citizenship by reason of the fact of being lawful descendants of Eliza Cooper. I desire to state further, that my three brothers and myself, and our respective families, have been living within the Chickasaw Nation, Indian Territory, for 15 years and have constantly claimed to be Choctaw Indians by blood. Our rights to citizenship has never been disputed, but when we presented ourselves before the Dawes Commission for enrollment, in September, 1899, at Atoka, I.T. the said Commission informed us that they could not enroll us, because our names did not appear upon the roll of the Choctaw Nation, for 1896, and that we would have to present our proof, by affidavit to the Secretary of the Interior, at Washington, D.C., who would examine our case and decide whether or not we were entitled to enrollment.

Jesse H. Taylor

Subscribed and sworn to before me, this the 16 day of Jan.
1900.

W. F. Noble,

Notary Public.

(Seal).

Indian Territory.

Central District.

On this the 15th. day of August, 1900, personally appeared before me, the undersigned authority, Tobias Edwards, to me well and personally known as the person making the within and following affidavit, who after being sworn according to law, stated on his oath as follows:

My name is Tobias Edwards, I am about 75 years old, and my Post Office is Bennington, Ind.Ter. I am an enrolled citizen of the Choctaw Nation by blood. My mother's name was Millie, and her mother's name was Eliza Cooper; Eliza Cooper was a full blood Choctaw Indian woman. Eliza Cooper had another daughter by a white man named Annie, who married a white man by the name of Robert Connell. My grandmother Eliza Cooper and all her children, except Annie, moved to the Choctaw Nation in the early thirties with the Choctaw Indians, and settled in Red River County, and a short time afterwards we moved to this country. Robert and Annie Connell moved to this country afterwards and settled in Red River County, and near where we lived, and remained there a few years and then moved to Tennessee.

Robert and Annie Connell had a daughter by the name of Louisa, she was not far from my age, and I remember her well. After they moved to Tennessee, I learned that she had married a white man by the name of James Taylor; this I learned through the family.

I have no interest in any application for citizenship, and the facts above named, I know from my own personal knowledge and family history.

(Signed) Tobias Edwards.

Witness:

(Seal).

Sworn and subscribed to before me this the 15th. day of August 1900.

(Signed) Chas. L. McPherran,
Notary Public.

Also personally appeared before me, the undersigned authority, James D. Harrison, to me well and personally known as the person signing the following affidavit, who after being duly sworn according to law, stated on his oath as follows, to-wit:

My name is James D. Harrison, my age is 63 years, my Post Office is Jackson, Ind.Ter. I am a full blood Choctaw Indian, and am enrolled as such. I am blood kin to the Cooper and Connell families, and am familiar with the family history of these families and can certify that the statement of Tobias Edwards above is true and correct.

I have no interest in any claim for citizenship, and the above facts I know of my own knowledge and from my family history.

(Signed) Rev J. D. Harrison.

Witness:

(Seal).

Sworn and subscribed to before me this the 15th. day of August 1900.

(Signed) Chas. L. McPherran,
Commission expires Sept. 1st, 1901. Notary Public.



INDIAN TERRITORY,)

) 58.

In the matter of the enrollment of Jessie M. Taylor et. al.
citizens of the Choctaw Nation, Indian Territory.

Personally appeared before me, W. F. Noble, a Notary Public, in and for the Southern District of the Indian Territory, J. P. Laurance, whose postoffice address is Oakland, I. T. and who being first duly sworn by me, on oath, stated as follows:-

My name is J. P. Laurance. I am 41 years of age and I live near Oakland, I.T. I am personally well acquainted with Jessie M. Taylor and James A. Taylor and their two brothers, John Taylor and William Taylor, who are now dead. I have known these four Taylor brothers since 1864, at which time they were all children and living together as one family. Their father and mother were named James and Louisa Taylor. Their mother's maiden name was Louisa Conell and was the daughter of Robert and Annie Conell and the said Annie Conell was the daughter of Eliza Cooper, who was a full blood Choctaw Indian and lived and died in the Choctaw Nation, on Red River. The said Taylor brothers, John, William, James and Jessie Taylor, have always claimed and were recognized, to be Choctaw Indians by blood. John Taylor married a white woman by the name of Malissa Ann Tucker and unto them were born three children to wit: Louisa Taylor, who married Bob Ardrey and unto them were born five children, to wit: - Odey Ardrey, aged 14 years, Lee Ardrey, aged 12 years, Lena Ardrey, aged 10 years, May Ardrey, aged 8 years and Artless Ardrey, aged 4 years. The second child of John and Malissa Ann Taylor was named William Henry Taylor, aged 30 years and he is unmarried. The third child of John and Malissa Ann Taylor was named James D. Taylor, aged 28 years. He married a white woman by the name of America Staples and the issue of that marriage was three children, to wit: - Carrie Taylor, aged 5 years, Lula Taylor, aged 3 years and Delbert Taylor, aged 8 months. The second son of James and Louisa Taylor, William Taylor, married a white woman by the name of Nancy Cox and they had born unto them, eight children, to wit: James E. Taylor, aged about 32 years. He married a white woman by the name of Maggie Tutton and unto them were born three children, to wit: - Lela Taylor, aged 10 years, Eliabelle Taylor, aged 8 years, and Willie Taylor, aged 4 years. The second child of William Taylor and his wife Nancy Taylor, was named Joe Taylor and he is about 31 years of age. He married a white woman by the name of Florence May and unto them were born two children, to wit: - John Taylor, aged 3 years and Bennie Taylor aged about 10 months. The third child of William and Nancy Taylor was named Tom Taylor and he is about 28 years of age. He married a white woman by the name of Lilly Fuller and unto them were born two children, to wit: - Herbert Taylor, aged 2 years and Bugg Taylor, aged about 8 months. The fourth child of William and Nancy Taylor was named Luella Taylor, aged about 19 years. She married a man by the name of Claude Fuller and as the issue of said marriage there were born unto them, two children, to wit: - Ruby Fuller, aged 2 years and Artless Fuller, aged 10 months. The remaining four children of William Taylor and his wife Nancy Taylor, are unmarried and their names are as follows: - Gus Taylor, aged 24 years, Allay Taylor, aged 21 years, Jessie Taylor, aged 16 years and Pearl Taylor, aged 10 years. James A. Taylor is the third child of James and Louisa Taylor. He married a white woman by the name of Jennie Melton and there were born unto them the following named children, William Earl Taylor, aged 14 years, Jessie Taylor, aged 12 years, Joseph Taylor, aged 9 years, Harvey Taylor, aged 7 years, Oscar Taylor, aged 5 years and Bertie Taylor, aged 3 years. Jessie M. Taylor was the fourth son of James and Louisa Taylor. He married Nellie Shelton and unto them were born five children, to wit: - Walter Taylor, aged 10 years, Emma

Taylor, aged 8 years, Clara Taylor, aged 6 years, Lodie Taylor, aged 3 years and Alvin Taylor, aged 6 months. The following is a list of those that are dead: John Taylor, William Taylor and his wife Nancy Taylor, Louisa Ardrey, James D. Taylor and Maggie Taylor. The remaining persons are now all living within the Chickasaw Nation, Indian Territory, and are claiming their rights to Indian citizenship, by reason of the fact of being the lawful descendants of Eliza Cooper.

J. P. Laurence

Subscribed and sworn to before me, this the 16th day of Jan 1900

W. F. Noble

Notary Public.

(Seal)

COPY.

INDIAN TERRITORY,)
) ss.
SOUTHERN DISTRICT,)

In the matter of the enrollment of Jessie W. Taylor et. al
citizens of the Choctaw Nation. Indian Territory.

Before me, James H. Wolverton, a Notary Public, in and for
the Southern District of the Indian Territory, on this day personally
appeared James A. Taylor, whose postoffice address is Duncan, I.T. and
who being first duly sworn, on oath, stated as follows:-

My name is James A. Taylor. I was born the 13th day of September 1849 and I reside near Duncan I. T., where I have lived for the past 9 years. I am a Choctaw citizen by blood and have always claimed to be one and am not holding land in the Chickasaw Nation, as allotment, for myself and members of my family. I am a lawful descendant of Eliza Cooper, who was a full blood Choctaw woman and emigrated, some time in the thirties, to the Choctaw Nation, from the State of Mississippi. She came to the Indian Territory with some other Indians and lived in the Choctaw Nation, on Red River, up to the time of her death. She was a member of the Choctaw Tribe of Indians and her name appears upon their roll as such. She raised a family of children, among whom was one named Annie Cooper. Annie Cooper married Robert Conell and as the issue of this marriage, there was born a daughter by the name of Louisa Conell. The said Louisa Conell married James Taylor and there was born to them in lawful wedlock, the following named children, to wit:- John Taylor, William Taylor and Myself, James A. Taylor and Jessie W. Taylor. My brother, John Taylor, married a white woman by the name of Malissa Ann Tucker and as a legal issue of said marriage, there were born three children, to wit:- Louisa Taylor, who married Bob Ardrey and unto them were born five children, to wit:- Odey Ardrey, aged 14 years, Lee Ardrey, aged 12 years, Lena Ardrey, aged 10 years, May Ardrey, aged 8 years and Artless Ardrey, aged 4 years. The second child of John and Malissa Taylor was named William Henry Taylor, aged 30 years and he is unmarried. The third child of John and Malissa Ann Taylor, was named James D. Taylor, aged 28 years. He married a white woman by the name of America Staples and the issue of that marriage was three children, to wit:- Carrie Taylor, aged 5 years, Lula Taylor, aged 3 years and Delbert, aged 8 months. This completes the list of descendants of my brother, John Taylor and his wife Malissa Ann Taylor. My second brother, William Taylor, married a white woman by the name of Nancy Cox and they had born unto them, eight children, to wit:- James E. Taylor, aged about 32 years. He married a white woman by the name of Maggie Tutton and unto them were born three children, to wit:- Lela Taylor, aged 10 years, Ellabelle Taylor, aged 8 years and Willie, aged 4 years. The second child of my brother, William Taylor and wife Nancy Taylor was named Joe Taylor and is about 31 years of age. He married a white woman by the name of Florence May and unto them were born two children, to wit:- John Taylor, aged 3 years and Bennie Taylor, aged about 10 months. The third child of William Taylor and his wife Nancy Taylor, is named Tom Taylor and he is about 28 years of age. He married a white woman by the name of Lilly Fuller and unto them were born two children, to wit:- Herbert Taylor, aged 2 years and Bugg Taylor, aged about 8 months. The fourth child of William Taylor and his wife, Nancy Taylor, was named Luella Taylor, aged about 19 years. She married a man by the name of Claude Fuller and as the issue of said marriage there were born unto them, two children, to wit:- Ruby Fuller, aged 2 years and Artless Fuller, aged 10 months. The remaining four children of my brother William Taylor and his wife, Nancy Taylor, are unmarried and their names are as follows:- Gus Taylor, aged 24 years, Allay Taylor, aged 21 years,

Jessie Taylor, aged 16 years, and Pearl Taylor, aged 10 years. I am the third child of James Taylor and Louisa Taylor. I was married to Jennie Melton in 1882 and there were born unto us the following children, William Earl Taylor, aged 14 years, Jessie Taylor, aged 12 years, Joseph Taylor, aged 9 years, Harvey Taylor, aged 7 years, Oscar Taylor, aged 5 years and Bertie Taylor, aged 3 years. My brother Jessie M. Taylor, was the fourth son of James Taylor and his wife Louisa Taylor. He married Mollie Shelton and unto them were born five children, to wit: - Walter Taylor, aged 10 years, Emma Taylor, aged 8 years, Clara Taylor, aged 6 years, Ludie Taylor, aged 3 years, and Alvin Taylor, aged 6 months. The following is a list of those that are dead: John Taylor, William Taylor and his wife, Nancy Taylor Louisa Ardrey, James B. Taylor and Maggie Taylor, but the remaining persons are now all living within the Chickasaw Nation, Indian Territory, and are claiming their rights of Indian citizenship, by reason of the fact of being the lawful descendants of Eliza Cooper. I desire to state further that my three brothers and myself and our respective families, have been living within the Chickasaw Nation, Indian Territory, for 15 years and have constantly claimed to be Choctaw Indians by blood. Our rights to citizenship has never been disputed, but when we presented ourselves before the Dawes Commission for enrollment, in September 1899, at Atoka, Indian Territory, the said Commission informed us that they could not enroll us, because our names did not appear upon the roll of the Choctaw Nation, for 1896 and that we would have to present our proofs, by affidavit, to the Secretary of the Interior at Washington, D.C. who would examine our case and decide whether or not we were entitled to enrollment.

James A. Taylor

Subscribed and sworn to before me this 29th day of December, 1899.

Jas. H. Wolverton

Notary Public.

(Seal)

Indian Territory,
Central District.

In the matter of the enrollment of Jessie M. Taylor, et al, Citizens of the Choctaw Nation, Indian Territory.

M. Davis being first duly sworn according to law deposes and says:

My name is M. Davis, I am 48 years old, I live in the Chickasaw Nation and my post-office is Heard, I.T. I know the applicants James Taylor and Jesse Taylor, and have known them since 1871. I was also acquainted with William Taylor, now deceased. I know that William Taylor, deceased, married one Nancey Cox. I know the history of these people according to family tradition and reputation in the neighborhood in which they live, to be that they were Indians by blood, and I know that they have resided in the Chickasaw country about fifteen years.

M. Davis.

Subscribed and sworn to before me this 29 day of August, 1899.

Dwight Brown.

Notary Public.

Application of
J. M. Taylor &
others, for enrollment
as Choctaw Indian of
Choctaw Nation.
Exhibit "A"

FILED

Jun 21 1900

Commission to Five Tribes.

RECEIVED

RECEIVED

RECEIVED

RECEIVED

RECEIVED

RECEIVED

RECEIVED

Indian Territory,
Central District.

In the matter of the enrollment of Jessie M. Taylor, et al,
Citizens of the Choctaw Nation, Indian Territory.

WE, Jessie M. Taylor, Millisa Ann Taylor Anderson, J.D.
Taylor, R. D. Ardrey, HAVING READ THE AFFIDAVIT of J.A. Taylor, one
of the applicants in the matter of enrollment in the Choctaw Nation,
swear that we are personally acquainted with the facts therein stat-
ed and set forth and know the same to be true and correct. We are
also acquainted with the history of the Taylor family as stated
by the said J.A. Taylor. We know that each of the individuals
referred to and spoken of are now living in the Chickasaw Nation, and
that they were there previous to the year 1896, and have remained
for a long period of time.

Witness D. Brown.

Jesse M Taylor,
her
Millisa Ann X Taylor Anderson
mark.
J. D. Taylor
R. D. Ardrey.

Subscribed and sworn to before me this 29 day of August, 1899.

Dwight Brown,

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jesse M. Taylor for the enrollment of himself, his minor children, James Walter Taylor, Emma Taylor, Clara Taylor, Louisa Taylor and Alvin Taylor, and his minor nephews, Lelan Fuller and Ray Calvin, as citizens by blood of the Cheetaw Nation, and for the enrollment of his wife, Mollie A. Taylor, as a citizen by intermarriage of the Cheetaw Nation.

--! D E C I S I O N !--

The record in this case shows that on June 21, 1900, the principal applicant, Jesse M. Taylor, appeared before the Commission at Colbert, Indian Territory, and then and there made personal application for the enrollment of himself, his minor children, James Walter Taylor, Emma Taylor, Clara Taylor, Louisa Taylor and Alvin Taylor, and his minor nephews, Lelan Fuller and Ray Calvin, as citizens by blood of the Cheetaw Nation, and for the enrollment of his wife, Mollie A. Taylor, as a citizen by intermarriage of the Cheetaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Chee-

(2).

the Nation in the possession of the Commission, that the applicants have never been enrolled as citizens of the Chectaw Nation, nor do their names appear upon any of the tribal rolls of the Chectaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Chectaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that these applicants have never been admitted to citizenship in the Chectaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

Neither does it appear that Mollie A. Taylor, for whom application is made as an intermarried citizen of the Chectaw Nation, has ever been married in accordance with the tribal laws of the Chectaw Nation, to a recognized and enrolled citizen by blood of that Nation.

For the purpose of protecting any rights the applicants might have as Mississippi Chectaws under the provisions of the twenty-first section of the act of June 28, 1896, (29 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant, Jesse M. Taylor, was, on the 20th day of February,

(3).

1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right for himself, his minor children and his minor nephews, to identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

The act of Congress of June 28, 1896, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Jesse M. Taylor, James Walter Taylor, Emma Taylor, Clara Taylor, Louisa Taylor, Alvin Taylor, Lelan Fuller, Roy Calvin and Nellie A. Taylor are not lawfully entitled to be enrolled as members of the Choctaw Tribe of Indians in Indian Territory, and that their appli-

(4).

ation therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman


Commissioner.

Muskogee, Indian Territory.

MAY -9 1902.

Chester B-297.

COPY.

Muskogee, Indian Territory, May 9, 1902.

Hansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jesse M. Taylor, his wife and his five minor children, as citizens of the Choctaw nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

1 enclosure.
Chester B-297.

COPY.

Kaskas, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Jesse M. Taylor for the enrollment of himself, his wife, Nellie A. Taylor, and his five minor children, James W., Anna, Clara, Louisa and Alvin Taylor, as citizens of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Jesse M. Taylor, his wife and his five minor children as citizens of said nation.

Respectfully,

(SIGNED).

T. B. Needles

Commissioner in Charge

1 enclosure,
Choctaw, B-297.

Through the Commissioner of
Indian Affairs.

C O P Y.

Land)
29240-1902)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington, May 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith, is transmitted for the consideration of the Department, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Jesse M. Taylor, for the enrollment of himself, his minor children James Walter, Emma, Clara, Louisa and Alvin Taylor, and his minor nephews, Lelan Fuller and Roy Calvin, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mollie A. Taylor, as a citizen by intermarriage of the Choctaw Nation.

From the record herein and the testimony it appears that none of the applicants herein were ever enrolled, admitted or recognized as citizens of the Choctaw Nation. The applicants do not claim as Mississippi Choctaws.

Under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll the applicants herein.

I therefore respectfully recommend that the decision of the Commission refusing enrollment to the applicants be approved.

Very respectfully,
Your obedient servant,
A. C. TOWNE,
Acting Commissioner.

(E.S.S.)

P.

C O P Y

D C No. 10017-1902.

DEPARTMENT OF THE INTERIOR.

Washington.

J.W.H.
C.M.R.

I.T.D. 3384-1902.

June 7, 1902.

Commission to the five civilized Tribes,
Mus kogee, Indian Territory.

Gentlemen:

May 9, 1902, you transmitted the record in the application of Jesse M. Taylor, for the enrollment of himself, his minor children, James Walter, Emma, ~~Clara~~, Louisa, and Alvin Taylor, and his minor nephews, Ieland Fuller and Roy Calvin, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mollie A. Taylor, as a citizen by intermarriage, of the Choctaw Nation.

Applicant Jesse M. Taylor alleges that his mother was Louisa Taylor (nee Connell), a quarter blood Choctaw woman, and that she was the daughter of Eliza Connell, (nee Cooper), who was a full blood Choctaw woman.

May 9, 1902, you refused the application and the Acting Commissioner of Indian Affairs forwarded your decision May 28, 1902, recommending that the same be approved.

These applicants do not claim as Mississippi Choctaws.

The whole record fails to show that any one of them was ever duly enrolled, admitted, or recognized as a citizen of the Choctaw Nation.

The Department, upon review of the whole case, approves your action, and your decision is accordingly affirmed.

A copy of the Acting Commissioner's report is enclosed.

1 inclosure.

Respectfully,

Thos. Ryan, Acting Secretary.

9
Choctaw
No. R. 297.

COPY.

Muskogee, Indian Territory June 23, 1902.

Jesse M. Taylor,

Midland, Indian Territory.

Dear Sir:-

You are hereby advised that the Secretary of the Interior under date of June 7, 1902 affirmed the decision of the Commission, dated May 9, 1902 refusing the application made by you for the enrollment of yourself, wife Mollie A., and children James W., Emma, Clara, Louisa and Alvin Taylor as citizens of the Choctaw Nation.

Yours truly,

SIGNED:

T. B. Needles.

Commissioner in Charge.

COPY.

choctaw
REV. H. 297.

Muskogee, Indian Territory June 23, 1902.

Messrs. Mansfield, McMurray & Gernish,

Attorneys, for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior under date of June 7, 1902 affirmed the decision of the Commission, dated May 9, 1902 refusing the application made by Jesse M. Taylor for the enrollment of himself, his wife Mollie A., and children James W., Fama, Clara, Louisa and Alvin Taylor as citizens of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

Muskogee, Indian Territory, February 19, 1903

In the matter of the application of
Jesse M. Taylor and his children,
James Walter Taylor and Emma Taylor
as citizens by blood, and his wife,
Mollie A. Taylor, as a citizen by
intermarriage, and for his niece,
Leland Fuller, and his nephew, Roy
Galvin as citizens by blood of the
Choctaw Nation.

To Jesse M. Taylor,

Midland, Indian Territory,

You are hereby notified that you will be
allowed thirty days from the date hereof, to submit to this
Commission an affidavit, corroborated by two witnesses, showing
that you and the other applicants are entitled to be identified as
Mississippi Choctaws under the act of Congress of June 28, 1898,
which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

J. M. T., 2,

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you and the other applicants are Descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that you and their ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

T. B. Needles.

Commissioner in Charge.

Register.

reg # $\frac{152}{148}$



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

returned to sender

7413

~~Jesse M. Taylor,~~

~~Midland, Indian Territory.~~

unclaimed,
present address unknown

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-297.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 9, 1902.

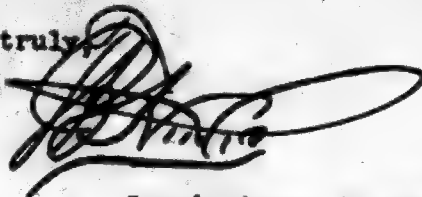
Jesse M. Taylor,
Midland, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself, your wife, Mollie A. Taylor, and your five minor children, James W., Emma, Clara, Louisa and Alvin Taylor, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure.
Choctaw R-297.
Registered.

CHOCTAW

In the matter of the application of Jesse M. Taylor, et al., for enrollment as citizens by blood of the Choctaw Nation and for the enrollment of Mollie A. Taylor as a citizen by intermarriage of the Choctaw Nation.

REFUSED MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.
MAY -9 1902

RECORD FORWARDED DEPARTMENT.
MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN -7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
JUN 23- 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

GEORGE LAW

R. 298

Joak. M. Perry.

Record a duplicate of
Choctaw D # 374.

Choc R299

William C. Thompson

R299

William C. Thompson et al

June 19-1900 Su. M. C. R. # 341

Judgment written Feb 21-1901

R. L. L.

DECISION RENDERED.

NOV

1900

REFUSED

NOV 8 1900

NOV

DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

NOV

1900

DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

NOV

1900

COPY OF DECISION FORWARDED
APPLICANT

NOV 8 1900

RECORD FORWARDED DEPARTMENT

NOV

1900

ACTION APPROVED BY
SECRETARY OF INTERIOR

FEB 12 1901

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

APR 16 1901

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

APR 16 1901

NOTICE OF DEPARTMENTAL
ACTION FORWARDED APPLICANT

APR 16 1901

(Copy)

Commission to the Five Civilized Tribes.

Atoka, Indian Territory.

Sept. 2, 1899

Choctaws.

In the enrollment of W. C. Thompson et al. Dave McCoy being sworn and examined by Com'r McKennon and Choctaw Com'r Lewis, he testifies as follows:

(This testimony was taken on typewriter during noon hour by William E. Earle.)

- Q What is your name? A Dave McCoy.
- Q How old are you? A About seventy-five or eighty.
- Q Did you belong to Jim McCoy? A Yes sir.
- Q How many sisters did Jim McCoy have? A He had two; one died in Mississippi.
- Q Was that Old William Thompson that married her? A No, he married the other one.
- Q Did she die in this country, Thompson's wife? A Yes sir.
- Q Was the one that died in Mississippi ever married? A No sir.
- Q Were all these Choctaw Indians? A Yes sir.
- Q And they came to this Country from Mississippi? A Yes sir.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

I hereby certify on my official oath as stenographer to the Five Tribes Commission that this is a true transcript of the record made by Wm. E. Earle as above stated, in this case.

(signed) M. D. Green,
Stenographer.

(Copy)

Commission to the Five Civilized Tribes.

South Canadian, Indian Ter.

In the enrollment of William C. Thompson as a Choctaw; being sworn and examined by Com'r McKennon he testifies as follows:

- Q What is your name? A William C. Thompson.
- Q How old are you? A Sixty.
- Q You made application to the Dawes Commission in 1896? A Yes sir.
- Q And were refused? A I don't know about that. I made application myself, and my daughter made application and she and her husband received notice that they were rejected, but I never received any notice.
- Q You say that you didn't receive that notice that we mailed to you?
- A No sir, I never received it.
- Q Did you change post-offices? A I did not.
- Q Did you give your post-office in your paper? A I am almost positive that I did.
- Q Did you never know what became of your application? A To be positive, I did not, but I met up with Judge Lewis, who told me that I had been admitted by the Dawes Commission.
- Q You then made application to the Census Committee of the Choctaw Nation to be enrolled? A I did; I employed a fellow by the name of Homer before I ever made application to the Dawes Commission, and he had made application to the Choctaw Council about the first of August, I think; that's what he told me.
- Q You were placed upon the roll in the Choctaw Nation on the 6th day of January 1897 weren't you? A I didn't see the enrollment made, but I was present at Tushkahomma at the time.
- Q You and your family were placed upon the roll the 6th day of January 1897? A Yes sir.

Q You took the precaution then to have a certificate signed by A. R. Durant, Chairman of the Revisory Board, to that effect?

A Yes sir, Solomon J. Homer was there and he issued that certificate.

Q Name the ones that were included in the application to the Dawes Commission? A William C. Thompson, Sarah S. Thompson, Arthur M. Thompson and William C. Thompson, Jr., these were included in my original application to the Dawes Commission; the others were not. Those rejected are William G. McNeese, Herald G. McNeese and Mary M. McNeese.

Q Was Sarah T. Stubblefield in either one of those applications?

A No sir.

Q Which ones were not in those applications? A Terry Thompson Stubblefield and Sarah T. Stubblefield and William R. Thompson.

Q Were ever you or any of these people on any of the Choctaw rolls until placed there in 1897? A No sir, not that I know anything about.

Q Were you or any of these ever admitted by the Choctaw Council?

A Not that I know of.

Com'r McKennon: You, and these persons whom you represent here, embracing all your family, have never been admitted to citizenship in the Choctaw Nation by the lawfully constituted authorities of the Nation, and never having been placed upon the Tribal rolls of the Choctaw Nation until January, 1897, that enrollment was without authority of law, and the enrollment of all will be refused.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I hereby certify upon my official oath as Stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(signed) M. D. Green.

Chester No. 2200

Washages, Indian Territory, February 26, 1902.

In the matter of the application of William Y. McNeese for the enrollment of himself as an intermarried citizen and his son Harold McNeese and his wife, Mary McNeese, as citizens by blood of the Chester Nation.

To William Y. McNeese,
Centralia, Texas.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your wife and child are entitled to be identified as Mission-appei Chesters under the act of Congress of June 23, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Chester Indians claiming rights in the Chester lands under article fourteen of the treaty between the United States and the Chester Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

W. Y. Hall, Jr.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you and your wife and child are descendants of Choctaw Indians, who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Nation.

Register.

Commissioner in Charge.

William C. Thompson
as } *Brief*
Chas. E. Norton

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 28 1903

[Signature]

CHAS. E. NORTON

W. C. Thompson et al

vs

Choctaw Nation.

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To the Hon. Tams Bixby and Gentlemen composing
the Commission to the Five Civilized Tribes.

Gentlemen:-

In the Matter of the application of Wm. C. Thompson et al
for Citizanship in the Choctaw Nation or tribe of Indians, Knowing
the Justice of my claim having recieved information of my Indian
blood From both my grand mothers, Marguarett McCoy Thompson and
Ann Jones Mangum both being Choctaw women by blood, my father and
mother having died when I was an infant, my father being a one fourth
Choctaw Indian by blood, his mother Marguarett McCoy Thompson being
a half Choctaw Indian Woman, and half white who married a white
man by the name of Thompson in the old Choctaw Nation in Mississippi
in an early day as an issue of said marriage my father Wm Thompson
and his brother Archibal Thompson having been born and raised in
the old Choctaw Nation in Mississippi and there remained until after
the treaty between the United States Geverment and the Choctaw
peolpe at Dancing rabbit Creek in September 1830

My Grand mother Ann Jones Mangum was a one fourth Choctaw
Indian Woman and Three fourths whit a direct Choctaw Indian decen-
dant of one Jim Jones a Choctaw Indian who came from some of the
states east of Mississippi Georgia I think in an early day also
closely related by blood to Robert Jones Solmen Jones and Jerry
Jones the said Ann Jones married James Mangum a white man in Miss-
issippi as an issen of said marriage my mother Elizabeth Mangum
was born who in about the year 1826 married my Father Wm. Thompson
who was one fourth Choctaw Indian by blood and Three fourths white
his mother Marguarett McCoy Thompson being a half Choctaw Indian
woman and half white his father Henry Thompson being a white man
my Mother Elizabeth Mangum Thompson was a One Eighth Choctaw Indian
wean and seven eithrs white her mother Ann Jones Mangum being One
fourth Choctaw by blood and Three fourths white, her father James

Langu being a white man as an issue of said marriage by brother *Arthur* J. Thompson was born in Mississippi about the year 1827, after which my father with his family move to old Fort Townsend Indian Territory the point from which the United States Government supplied the Choctaw people and on the Sixth day of February 1829, I was born at old Fort Townsend Choctaw Nation Indian Territory and on August 31 1840 my Father J. M. Thompson Died on the next day September 1st 1840 my Mother Elizabeth Langu Thompson died, and the next day Sept. 2nd 1840 my sister Mary about 3 months old died, leaving me and my brother Arthur (who died at Colberts Ferry Indian Territory on Per River about 20 years ago) infants and orphans with Margaret McCoy Thompson our grand mother until my Grand father James Langu came from Mississippi and carried me and my Brother Arthur back to Mississippi and raised us in the year 1857 when I was about 16 or 17 years old I come to the Choctaw Nation Making my home with my Grand mother Margaret McCoy Thompson who lived at Virginia Hill near old Fort Washita, I spent some time with my uncle James McCoy who was a brother to my Grand mother Margaret McCoy Thompson also made my home a portion of the time with Dixon Frazer Governor of the Choctaw Nation at his Fazzers house I met and associated with one Henry M. Perkins a Choctaw Indian (now dead) whos affidavit to my Identity is on file with the Dawes Commission, and also the affidavit of Mrs Levina Franklin who was the Wife of Governor Dixon Frazer during his life time, also the affidavit of R. C. Colbert a part Choctaw and part Nigro who lives near Atoka Indian Territory these affidavits being on file with the Dawes Commission.

During my stay of about 8 months in the Choctaw Nation I was recognized by my Grand mother Margaret McCoy Thompson, my uncle James McCoy Gov. Dixon Frazer and all the Choctaw people with whom I associated as being a Choctaw citizen by blood.

In the latter part of 1857 I returned to Mississippi to my Grand father James Langu where I remained until the war of '61 enlisted in the Confederate Army in the fall of 1865 I accompanied a party of Immigrants from Mississippi to Texas, where I remained until 1887 when I came to the Chickasaw Nation to avail myself of

the benefits of my Indian Citizen-ship where I have been exercising the rights and privileges of a Choctaw Citizen, holding lands under Tribal laws and at one time server under John Hall as deputy permitt Collector, collecting permitts from Non-citizens.

Neither the Chickasaw or Choctaw Officials have ever demanded of me a permitt, or tax on stock or merchandise, in fact my right to Choctaw Citizen ship had never been questioned, but knowing that my name together with that of my family did not appear upon the citizen ship rolls of the Choctaw Nation, I having been raised in Mississippi, and after the passage of the Curtis Bill in 1896 to secure to my self and family the rights of citizenship in the Choctaw Nation to which I know we are justly entitled, I made written application to the Choctaw Council on August the first 1896 for the enrolment of myself and family as citizens of said Nation, the following being a copy of said application to-wit:

To the Honorable of the Senate and house of representatives of the Choctaw Nation in General Council assembled at its regular session October 1896 at its Capital Tuskahoma Choctaw Nation Indian Territory.

Gentlemen:- In accordance with and act of Congress of the United States of America passed June tenth 1896 your undersigned Wm C. Thompson et al Choctaws by blood do most respectfully represent a petition unto your honorable body prays that all rights privileges and immunities of the Choctaw Nation be granted and they be enrolled with the legal citizen ship of the said Nation for the following reasons to-wit:-

1st. Because Wm. C. Thompson and others hereinafter mentioned are the Children of Margurett McCoy who was a half breed Choctaw Indian Woman who married a white man Thompson by name and they had children born to them while living together in lawful wedlock Wm Thompson was the eldest son of Margurett McCoy Thompson.

2nd. Because your undersigned Wm. C. Thompson was the son of William Thompson who was a Choctaw by blood being the son of Margurett McCoy Thompson and others aforesaid.

3rd. Your attention will be called to the evidence of Mrs Missie Perkins Henry Perkins and Mrs Levins Franklin who are enrolled citizens of the Choctaw Nation by blood who all have testified under their oaths that the applicant W. C. Thompson is the son of Wm. Thompson a Choctaw Indian aforesaid.

4th. Your attention will be called to the fact that about the year 1879 Hon Green W. Thompson a Choctaw Attorney who did present a petition to the Choctaw Council for the legal descendants of Margurett McCoy ~~sister~~ Thompson aforesaid to be admitted to the citizen ship of the Choctaw Nation but some time afterwards, the said Hon Green W. Thompson died and there has never been any action taken on said petition.

5th. Your attention will be called to the fact that your undersigned was ignorant of the time set by the Choctaw and Chickasaw Commission to enroll Choctaws residing in the Chickasaw Nation as your undersigned are residents ✓

of the Chickasaw Nation afore said .

THEREFORE: Your undersigned prays your honorable body to be caused to be enrolled with the citizens of the Choctaw Nation the following to wit:- William C. Thompson Sr. age 57 Sarah S. Thompson age 52, Arthur M. Thompson age 26 William C. Thompson Jr. Age 20 Mary L. Thompson now McNeess age 27 Wm C. McNeess age 28, Intermarried Harrold G. McNeess age 4 Terry Thompson Stubblefield age 30 (Dead brothers daughter) Sara T. Stubblefield age 4 (daughter of above) Wm R. Thompson age 15, (Dead brothers son)

In duty bound your undersigned will ever pray

Petitioner Wm. C. Thompson et al

August 1st. 1896 Atoka I. T.---by Davis A. Homer Atty

On the back of the above and forgoing the following endorsements are made to wit:-

Application of Wm C. Thompson, Admitted this the 8th. day of October A. D. 1896 A. E. Folsom secy of Commission

The names herein mentioned in the petition and lenient descendants of Margurett McCoy have been recognized and admitted by this commission as members of the Choctaw tribes of Indians by blood but for their failure to appear in person their names were not enrolled on the citizenship roll. A. E. Folsom secy of Commission 8th day of October 1896.

The above application was made in conformity to a circular issued by the Commission to the Five Civilized tribes, and signed by every member of said commission as it then existed, and dated at Vinita, Indian Territory July 8, 1896. and issued by authority of an act of Congress known as the Curtis Bill, wherein said circular letter provides that: same being copy of section of the Curtis Bill.

That the rolls of citizenship of the several tribes as now existing are hereby confirmed and any person who shall claim to be added to said rolls as a citizen of either of said tribe and whos rights there to has either been denied or not acted upon or any citizen who may within three months from and after the passage of this act desire such citizenship may apply to the legally constituted court or committee designated by the several tribes for citizenship and such court or committee shall determine such application within thirty days from the date thereof.

After being informed by my attorney Davis A Homer I procured my application for citizenship and appeared before the Choctaw revisory board, then in session at Tuskahoma, Indian Territory who recognized the action of the Choctaw Citizenship commission and placed my name to gather with the balance of my family whos names appear on the face of my application on the Citizenship rolls of the Choctaw Nation, and recieved from Solomon J. Homer under the seal of the Choctaw Nation the following certificate to wit-

William C. Thompson age 57, Sara S. Thompson age 52,
Arthur W. Thompson age 20, William C. Thompson Jr. age 19,
William R. Thompson age 14, Terry Thompson age 20, Mary
W. Thompson now McNeess age 24, Wm G. McNeess Husband age
28, Harrold G. McNeess age 4, Sara T. Stubblefield age 4,
(SEAL) This is to certify that the above names are enrolled
on a legal roll of citizenship of the Choctaw Nation this
the 6th day of January A. D. 1897. Board of Revisory of
the Choctaw Nation A. R. Durant Chairman Revisory board.
This is to certify that the above is a true and corre-
copy of the proceedings of the revisory board and that
A. R. Durant is the duly and legally appointed chairman
of the same.
Witness my hand and ~~mark~~ the above seal of the Cho-
ctaw Nation this the 6 day of January 1897.
(SIGNED) Solomon J. Homer National Secty.

The original of the above is now on file with the Dawes
Commission.

Note the typographical errors in the above to wit: Terry
Thompson should be Terry Thompson Stubblefield, also the ages are
not correctly given as in the face of the application.

We are informed that A. R. Durant, chairman of the Choctaw
revisory board took the Choctaw Citizenship rolls to the City of
Paris Texas and made a fraudulent enrollment of more than 60 names
on the Choctaw Citizenship roll, which caused the officials of the
Choctaw Nation to doubt the legality of my enrollment at Tuskehama,
believing as I suppose they did that I was illegally enrolled at
Paris Texas, of this illegal enrollment by Durant I informed Judge
Simon E. Lewis, after which to satisfy the Commission as to the
legality of my enrollment I met the Commission at the following
places in the Indian Territory, Stonewall, Pauls Valley, Duncan,
Ardmore, South McAlester, Atoka, again at South McAlester, and at
South Canadian, at the above named places I had my witnesses who
were Choctaw Indian by blood to prove my right to citizenship and
the legality of my enrollment, but from some cause unknown to me
the Commission did not see proper to give me any hearing, until
on the 31 day of January 1903 I recieved by registered mail a
notice in the shape of a letter signed by Tams Pixby Chairman of
the commission to appear before the said commission at their office
in Muskogee I. T. to take up for final consideration to contention
of the Choctaw Nation relative to my enrollment, The Choctaw Attor-
neys Mess. Mansfield McMurtry and Cornish, having protested against
my enrollment as a citizen of the Choctaw Nation on the grounds

that our names were placed upon the Choctaw Census roll by the Choctaw Revisory Board of said Nation after its power to enroll citizens had ceased, and therefore without authority of law.

In accordance with the said notice we appeared before the said commission on the 10 day of February 1903. and made before said commission our statement of the facts relative to the legality of our enrollment, and at the same time had Judge Simon E. Lewis a recognized citizen of the Choctaw Nation, and a member of the Choctaw Revisory Board in 97, to testify in my behalf, the substance of which was that I was duly enrolled by the revisory board at Tuskahoma I. T. January 6 1897, which testimony in and exact form is now on file with your commission.

Upon the above statements we earnestly request that you refer to all the papers in my case, and also to the circular letter referred to in this brief, and that upon final hearing render to me and my family that which we believe justly belongs to us, citizenship in the Choctaw Nation.

Most respectfully submitted.

William C. Thompson et al

(COPY-DeB)

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR,
THROUGH THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William G. McNeese, for enrollment as a Choctaw Indian by blood, said application being consolidated with the case of William G. Thompson, et al.

MOTION FOR RECONSIDERATION AND REVIEW.

Comes now, William G. McNeese, by his attorney, Chester Howe, and moves for a reconsideration of the decision heretofore rendered in the case of Mary McNeese, et al., for the purpose of correcting the error of the Honorable Secretary of the Interior in failing to include the name of William G. McNeese with that of Mary McNeese, nee Thompson, and the child of said marriage, Harrold G. McNeese, and, as grounds for said motion, alleges the following specifications of error:

FIRST: The Honorable Secretary of the Interior failed to include the name of William G. McNeese for the reason that, while the relation with Mary McNeese was shown, the application itself was filed as a separate application, and the record shows the following facts:

(a) Original petition to the Choctaw Legislature (record, page 17) consolidated case William C. Thompson, et al.

(b) Certificate of revisory board of Choctaw Nation, on which the name is shown, Mary McNeese No. 7, William G. McNeese No. 8, (record, page 25),

(c) Application of William G. McNeese filed August 31, 1906 (see record, page 67, which contains full reference thereto),

(d) Reference to the marriage which is shown in all the papers in said case. (record, page 70, record, page 11, record, page 2, and letter No. 25981, Indian Office, No. 6, 1904)

(e) Formal application of William G. McNeese (Record, page 75).

SECOND: It is apparent from the record in this case that William G. McNeese was enrolled as an intermarried citizen by the Choctaw authorities; that he has an application pending under the act of June 10, 1896, before the Choctaw legislature; and that the omission of his name was a clerical error, which should be corrected.

For the foregoing reasons, it is respectfully prayed, that the decision complained of may be reconsidered, and that the name of William G. McNeese may be added to the roll of Choctaws by blood.

Respectfully submitted,

Chester Howe.

Atty For Applicant.

UNITED STATES OF AMERICA)
DISTRICT OF COLUMBIA.) S.S.

Personally appeared before me, the undersigned authority Chester Howe, who being duly sworn according to law, on oath states:

That he has served a true and correct copy of the foregoing upon the attorneys of record for the Choctaw-Chickasaw Nation, Messrs. Mansfield, McMurray & Cornish, by forwarding same to them by registered mail to their postoffice address, South McAlester, Indian Territory, registry receipt for

which is hereunto attached; that said motion is filed in good faith, and not for the purpose of delay.

Chester Howe.

Subscribed and sworn to before me this 20th day of June, 1906.

C. H. Parkins,

(SEAL)

Notary Public.

(Registry receipt attached)

(Endorsed on back)

7--299

In the matter of the application of William G. McNeese, for enrollment as a Choctaw Indian by blood, said application being consolidated with the case of William G. Thompson, Et al.

MOTION FOR RECONSIDERATION & REVIEW.

CHESTER HOWE?

Atty. for Applicant.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
F I L E D
JUN 22, 1906,

Tams Bixby, Commissioner.

7-R-299.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
M UNKOGEE, INDIAN TERRITORY, OCTOBER 15, 1906.

In the matter of the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation.

APPEARANCES:- { The applicant appears in person and without counsel.
(No appearance on behalf of the Choctaw and Chickasaw Nations.

WILLIAM G. McNEESE, being first duly sworn by Edward Herrick, testified as follows:

(By the Commissioner)

- Q What is your name? A William G. McNeese.
Q How old are you, Mr. McNeese? A I am forty years old.
Q What is your post office address? A Marlow.
Q Do you claim rights as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q Through whom? A By Nellie McNeese, or Mary McNeese. It is sometimes Mary M.
Q What is her middle name. A I think it is Mary Nellie. Her parents call her Mary.

Mary M. McNeese, through whom the applicant claims his right to enrollment, is identified upon Choctaw Field Card No. 5914, opposite No. 15998, approved by the Secretary of the Interior June 16, 1906.

- Q When were you married to Mary M. McNeese? A I think it was April the fifth, 1899, I think it was. It was April 5th. I am not absolutely certain whether it was 1899 or 1900.
Q Have you the evidence of your marriage with you? A I have not.
Q Can you produce it? A I can get it, yes sir, send it to you.
Q Where were you living at the time of your marriage to Mary M. McNeese? A Why we were living at-----
Q Where were you living? A I was living at a place, I cannot recollect the name of it right now.
Q Was it in the Indian Territory? A Yes sir, in the territory.
Q What nation? A Chickasaw Nation, place just below Pauls Valley---Wynnewood.

- Q Where was your wife living at that time? A She was living there too.
- Q How long had you been a resident of the Choctaw Nation when you married your wife? A It was about three years before, that I came here. I was a school teacher and we had been teaching school there about two and a half years when we were married.
- Q Did you secure a Choctaw tribal license to marry your wife? A No sir.
- Q Did you get a Chickasaw license? A No sir.
- Q You were married under United States law? A United States law, yes sir, got the license from Texas.
- Q And you never was remarried under the Indian law? A No sir.
- Q After you were married where did you live? A We moved to Marlow.
- Q That is in the Chickasaw Nation? A Yes sir.
- Q Have you lived there ever since? A Yes sir.
- Q Had you been married prior to your marriage to Mary M. McNeese? A Had not, no sir.
- Q Had your wife? A No sir.
- Q You have lived together in the Chickasaw Nation from the date of your marriage up to the present time? A Yes sir.
- Q Did you apply to the Commission in 1896 with your wife? A Yes sir, we applied at the same time.
- Q What action was taken as to you? A I don't know exactly what it was, I don't know what action was taken, I suppose the same as my wife.
- Q You are a white man, are you not? A Yes sir.
- Q What is the name of your father? A Calvin C. McNeese, John Calvin.
- Q What is the name of your mother? A Mrs. Kate McNeese.
- Q Either of them living? A My mother is living only.
- Q They both citizens of the United States? A Yes sir.
- Q Who married you, Mr. McNeese? A It was, J. N. Moore.
- Q Of what place? A Of Ardmore
- Q Was he a preacher. A He was a presiding Elder--his residence is there now.
- Q You have never made any claim to be a citizen by blood of the Choctaw Nation? A No sir.
- Q And the only claim you make is as a citizen by intermarriage by virtue of having married Mary M. McNeese? A That is all, yes sir.

Witness excused.

Kate DeBord, stenographer to the Commissioner to the Five Civilized Tribes, being first duly affirmed, states that she correctly reported all proceedings had in the above entitled and numbered cause on the 15th day of October, 1906; and that the above and foregoing is a full, true and correct transcript of her stenographic notes taken therein on said date.

Kate DeBord

Subscribed and affirmed to before me this 15th day of October, 1906.

Walter W. Chappel
Notary Public.

7-R-299.
O.I.L.V.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----00000-----

In the matter of the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that in 1899 application was made to the Commission to the Five Civilized Tribes for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw nation.

It further appears from the record herein that the applicant claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on April 3, 1889 or 1890 to Mary M. McNeese, a recognized and enrolled citizen by blood of the Choctaw nation whose name appears as number 15998 upon a list prepared by the Commissioner to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 622), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior June 16, 1906.

It appears from the records of the Commission to the Five Civilized Tribes that on September 4, 1896, in the case entitled "Wm. G. McNeese vs. Choctaw Nation" (1896 Choctaw Citizenship Pocket, Case No. 41) original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicant William G. McNeese as (Wm. G. McNeese) as a citizen by intermarriage of said nation and that on December 1, 1896, said Commission rendered its decision therein denying said application, from which decision no appeal was taken.

It does not appear from the records in the possession of this office that said applicant has ever been admitted to Choctaw Citizenship by any duly constituted authority, nor has said applicant ever been married to his Choctaw spouse, through whom he claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of a license issued by the tribal authorities of the Choctaw Nation.

I am, therefore, of the opinion that the application made for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation, should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Muskogee, Indian Territory,


Commissioner.

7-R-299

Muskogee, Indian Territory, November 8, 1906.

Chester Howe,

Attorney at Law,

Washington Loan & Trust Building,

Washington, D. C.

Dear Sir :--

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 8, 1906, denying the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James B. Bixby*
Commissioner.

Registered.

Incl. 7-R-299.

7-R-299

COPY
Muskogee, Indian Territory, November 8, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen :--

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 8, 1906, denying the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

THOMAS J. Bixby
Commissioner.

Incl. 7-R-299.

COPY

Muskogee, Indian Territory, November 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir :--

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 8, 1906, denying said application.

Respectfully,

THOMAS DICKBY
Commissioner.

7-R-299.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

62.

113

D.C. 12477

WASHINGTON.

I.T.D. 4784-1907

February 23, 1907.

Direct.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:-

In conformity with the opinion of the Attorney-General of the United States of February 19, 1907 (I.T.D. 4564), in the consolidated case of William C. Thompson et al., and in accordance with the recommendation of the Indian Office of February 21, 1907 (Land 99835-1906), copy whereof is enclosed, your decision of November 8, 1906, denying the application of William G. McNease for his enrollment as an intermarried citizen of the Choctaw Nation, is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

James H. Wilson.

Assistant Secretary.

1 inc. and 2 to Ind. Of.

AFM

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Land
99855-1906.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated November 8, 1906, adverse to the applicant.

The record shows that application was made in the year 1899 to the Commission to the Five Civilized Tribes for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation.

The record further shows that the applicant herein claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on April 5, 1899 or 1890, to Mary M. McNeese, a recognized and enrolled citizen by blood of the Choctaw Nation.

The record further shows that on September 4, 1896, in the case entitled "Wm. G. McNeese vs. Choctaw Nation" original application was made to the Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. L., 321) for admission to citizenship in the Choctaw Nation of the applicant.

herein as Wm. G. McNeese as a citizen by intermarriage of the Choctaw Nation, and that on December 1, 1896, the Commission rendered its decision denying the application, from which decision no appeal was taken.

Commissioner Bixby reports that it does not appear from the records of his office that the applicant has ever been admitted to Choctaw citizenship by any duly constituted authority, nor has the applicant ever been married to his Choctaw spouse, through whom he claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of a license issued by the tribal authorities.

Therefore, by reason of the provisions of the Act of Congress approved June 28, 1898 (30 Stat. L., 495) and section 34 of the Act of Congress of July 1, 1902 (32 Stat. L., 641) the Office concurs in the decision of Commissioner Bixby denying the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation.

Very respectfully,

G. F. LARRABEE.

Acting Commissioner.

WBM.Ph.

7-R-299

Mustogee, Indian Territory, April 16, 1907.

William G. McNeese,

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of November 8, 1906, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-299

Muskogee, Indian Territory, April 16, 1907.

Chester Howe,
Attorney at Law,
Washington Loan & Trust Building,
Washington, D. C.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of November 8, 1906, denying the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-299

Muskogee, Indian Territory, April 16, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of November 8, 1906, denying the application for the enrollment of William O. McHesse as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

21672

159.



REMOVED.



William G. McNeese,

Marlow, Indian Territory.



3344

7 P 299

12

COPIES IN REPLY TO THE FOLLOWING:

7-R-299

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 8, 1906

William G. McNeese,

Marlow, Indian Territory.

Dear Sir :--

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 8, 1906, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner.

Registered.

Incl. 7-R-299.

Choctaw No. B-229.

Muskogee, Indian Territory, February 19, 1902.

In the matter of the application of }
William Y. McNeese for the enroll- }
ment of himself as an intermarried }
citizen and his son, Harold McNeese }
and his wife, Mary McNeese, as }
citizens by blood of the Choctaw }
Nation. }

To William Y. McNeese,

Marlow, Indian Territory,

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your wife and child are entitled to be identified as Mississippi Choctaws under the act of Congress of June 26, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

W. Y. McN., 3.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you and your wife and child are descendants of Choctaw Indians, who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

Commissioner in Charge.

Register.

COPY.

Hon. C. R. Brackinridge,

Muskogee, Indian Territory.

Dear Sir:

We have information that appears to be reliable that after July 15th., next the Commission purposes allow filings to be made by citizens on lands indiscriminately without references to their occupancy, or ownership of the improvements thereon, not respecting the holdings of claimants to citizenship, whose claims are now pending before your commission, we are not prepared to believe this, as endless litigation, contests and likely blood shed would be the result, you would greatly oblige me if you will inform me what will be the ruling of your commission relative to filing on land when convened again. Being an applicant for citizenship am interested, after being admitted to citizenship by the Choctaw citizenship commission Oct. 8-1896, and later enrolled by the Choctaw revisory board, at Tusko-homa I. T? Jany. 6th., 1897, bought improvements on land that I purpose to allot for myself and family. provided my claim for citizenship received favorable action by the authorities.

I had the pleasure of meeting you at Muskogee on the 10th of February last, being cited by your commission to appear there on that date, to answer the contention of the attorneys of the Choctaw Nation, that my enrollment by the Choctaw Revisory board was made after their Jurisdiction had expired, and therefore without authority of law. I contend that when I was admitted to citizenship by the Choctaw Citizenship Commission at Kiowa I. T. that my citizenship was complete under the law, and that my enrollment by the revisory board only insured to me the right to participate

in the tribal property. In support of my contention allow me to refer you to the circular letter purporting to be the Curtis Bill dated at Vinita I. T. Jan 8 1896 , and signed by each and every member of the Commission as it then existed, the following being a portion of the said circular letter:

" And provided for there that the rolls of citizenship of the several tribes are hereby confirmed and any person who shall claim to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon or any citizen who may wish in three months from and after the passage of this act desire such citizenship may apply to the legally constituted court or committee designated by the several tribes for such citizenship and such court or committee shall determine such application within 30 days from the date thereof."

My information is that in consequence of A. R. Durant Chairman of the Choctaw Revisory Board having gone to the City of Paris Texas, and there enrolled some 62 names on the citizenship rolls of the Choctaw Nation, these parties having no right to enrollment caused your Commission to regard my enrollment with suspicion)

Being cited by your Commission to appear before them at Muskogee Feb. 10, 1903, I was there and made my statement and supported same by the evidence of Judge Simon E. Lewis, who was a member of the Choctaw Revisory Board, and I suppose that the record there made will be sufficient to satisfy your commission that my enrollment was not made through fraud.

By referring to my brief filed with your commission you will see that I appeared before the Commission nine different times being informed by a member thereof that at the next appointment I would be accorded a hearing, which was never given me, until Feb.

10 1903. If the then Attorneys Messrs Stewart, Gordan and Haley of South McAlester I. T. can be relied on as authority I was admitted to citizenship by the Dawes Commission in 1896, reference is given to a certified copy of their letter now on file with your Commission and the record as made by Simon E. Lewis, Feb. 10, 1903.

I earnestly request that you refer to all the papers in my case and give it the consideration that it justly deserves, and you are at liberty to make such disposition of this letter as you see proper.

Yours very truly,

SIGNED

William C. Thompson,

COPY.

7-B-299
M C R 341

Muskogee, Indian Territory, July 7, 1903.

William C. Thompson,
Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 1, 1903, in which you state that you wish the brief which you forwarded to the Commission a short time ago, to be filed in support of your application for enrollment as a citizen by blood of the Choctaw Nation instead of your application for identification as a Mississippi Choctaw.

In reply you are informed that your request has this day been complied with.

Respectfully,

SIGNED

T.B. Needles

Commissioner in Charge.

COPY.

Choctaw R-299.

Muskogee, Indian Territory, July 11, 1903.

Wm. C. Thompson,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your two letters of June 18, 1903, relative to your enrollment as a citizen by blood of the Choctaw Nation; and the information contained therein has been made a matter of record.

Respectfully,

SIGNED

I. B. Needles

Commissioner in Charge.

70299

(C O P Y)

Marlow, I.T., July 27, 1903.

Commission to five Tribes,

Muskoga- Gent. In passing on my application for citizenship in the Choctaw Nation, made Aug. 1/96-- please consider all the evidence filed in my application as a Miss Choctaw, as there is quite a lot of evidence therein filed, proving the blood and title to citizenship.

Kindly do me the favor to consider all this testimony. and oblige.

SIGNED William C. Thompson.

COPY.

7-R-299

Muskogee, Indian Territory, August 1, 1903.

William C. Thompson,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 27, asking that the evidence which was filed in support of your application for identification as a Mississippi Choctaw be considered in the final determination of your application for enrollment as a citizen by blood of the Choctaw Nation. Your request has been made a matter of record.

Respectfully,

SIGNED

I. B. Needles

Commissioner in Charge.

COPY.

Choctaw R 299

Muskogee, Indian Territory, August 31, 1903.

William C. Thompson,

Marlow, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 26, asking that your application for the enrollment of yourself and family as citizens by blood of the Choctaw Nation be passed upon.

In reply to your letter you are informed that the Commission is taking up applications for enrollment in the Choctaw and Chickasaw Nations as rapidly as possible, but your case has not yet been reached for consideration and determination, and it is impracticable at this time to say when the same will be passed upon. As soon as a decision is rendered, however, you will be notified of the action of the Commission.

Respectfully,

SIGNED

T.B. Needles

Commissioner in Charge.

South McAlester, Indian Territory, October 14, 1905.

COPY.

Honorable Tams Bixby,

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

As you are aware there are pending before the Assistant Attorney-General for the Interior Department certain Choctaw and Chickasaw Enrollment cases as follows:

Mary Elizabeth Martin,
William C. Thompson, et al.
Lula West, et al.
Richard B. Coleman, et al.
Joe and Dillard Perry, et al.

in which we have filed motions for a reconsideration of the decisions of the Assistant Attorney-General.

These motions were orally argued on October 19, and following and taken under advisement by the Assistant Attorney-General. Twenty days from that time was allowed up as attorneys for the Choctaw and Chickasaw Nations to file written synopsis of the oral arguments in each case, and the attorney for applicants was given ten days thereafter to file replies thereto.

In the Coleman case we first submitted a request to have the record returned to the Commission to the Five Civilized Tribes for a finding of facts; but that request was denied by written decision dated September 29, 1905. Thereafter the motion for a reconsideration was argued upon its merits and submitted along with the other cases and will be

conducted and disposed on the same way,

As you are further aware the first four cases mentioned raise questions of law upon the decision of which will depend the decision of various other citizenship cases of applicants similarly situated. In all of these cases, where we have been served with notice, we have requested that no further action be taken pending the decision of the test cases and such requests have been in every instance granted. We write this letter relative to the status of these cases in accordance with the request of Mr. Beall the Secretary of the Commission.

Very respectfully,

SIGNED Mansfield, McMurray & Cornish.

7-R-299.

COPY.

Muskogee, Indian Territory, August 31, 1906.

Chester Howe,

Attorney at Law,

618 Loan & Trust Building,

Washington, D. C.

Dear Sir:

With your letter of June 20, 1906, you inclosed a motion for reconsideration and review of the decision of the Department in the matter of the application for the enrollment of Mary M. McNeese, et al., as citizens of the Choctaw Nation, setting forth that the Department erred in not passing upon the rights of William G. McNeese as an intermarried citizen.

Relative thereto, you are advised that formal application has been made for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation, but as yet no action has been taken thereon.

You are further advised that said applicant will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Saturday, September 29, 1906, at nine o'clock A. M., for the purpose of testifying relative to his intermarried status on September 25, 1902. Until such appearance is made, no further action can be taken therein.

-2-

William O. McNeese has this day been notified that he will
be permitted to appear on said date.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

7-R-299.

COPY.

Muskogee, Indian Territory, August 31, 1906.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation, this office has this day notified said applicant that he will be permitted to appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Saturday, September 29, 1906, at nine o'clock A. M., for the purpose of testifying relative to his intermarried status on September 25, 1902.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

7-R-299.

COPY.

Muskogee, Indian Territory, August 31, 1906.

William G. McNeese,

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Saturday, September 29, 1906, at nine o'clock A. M., for the purpose of testifying relative to your intermarried status on September 25, 1902.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

7-R-299.

COPY.

Muskogee, Indian Territory, October 1, 1906.

Chester Howe,
Attorney at Law,
618 Loan & Trust Building,
Washington, D. C.

Dear Sir:

Pursuant to written request of William G. McNeese, an applicant for enrollment as a citizen by intermarriage of the Chectaw Nation, the hearing in the matter of his application heretofore set for Saturday, September 29, 1906, at nine o'clock A. M., has been continued to Monday, October 15, 1906, at nine o'clock A. M.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

7-R-299.

COPY.

Muskogee, Indian Territory, October 1, 1906.

William G. McNeese,

Sulphur, Indian Territory.

Dear Sir:

Pursuant to your request contained in telegram of September 28, 1906, the hearing in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation has been continued until Monday, October 15, 1906, at nine o'clock A. M.

Respectfully,

SIGNED

Jane Bixby.

Commissioner.

7-R-299.

COPY.

Muskegee, Indian Territory, October 1, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Pursuant to written request of William G. McNeese, an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, the hearing in the matter of his application heretofore set for Saturday, September 29, 1906, at nine o'clock A. M., has been continued to Monday October 15, 1906, at nine o'clock A. M.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

C O P Y

D.C.1162-1907.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D. 15203-1905
15373- "

January 2, 1907.

L R S

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There are referred herewith for immediate report and action thereon, letters of inquiry dated December 10, 1906, from William G. McNeess and Jesse Holloway, relative to their right to enrollment as intermarried citizens of the Choctaw Nation, alleging that they were applicants for enrollment as such in the consolidated case of William G. Thompson, et al. 341.

You are advised that William G. McNeess is the alleged husband of Mary M. McNeess, whose enrollment as a citizen by blood of the Choctaw Nation appears opposite No. 15798 upon the roll of Choctaw citizens by blood approved by the Secretary of the Interior June 16, 1906.

It is stated on page 67 of the record in the consolidated case of William G. Thompson, et al., 341, that the record of applications for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes in the year 1906 is examined, and on page 206 thereof appears the case of William G.

McNeen vs. the Cheetaw Nation, filed September 4, 1896.

Answer filed, application denied December 1, 1896. The paper just identified by applicant as the original application made to this Commission in 1896 in this case," and on page 70 of same record the concluding part of the petition of Mary M. McNeen, nee Thompson, for her enrollment as a citizen by blood of the Cheetaw Nation concludes with these words: "WHEREBY, your petitioner prays an order enrolling herself, her husband, and said child upon the final rolls of the Cheetaw tribe of Indians in Indian Territory, and that they be adjudged to be members of said tribe . . . "

It does not appear from the decision of the Commission to the Five Civilized Tribes of March 5, 1904, that the rights of William G. McNeen as an intermarried citizen of the Cheetaw Nation was passed upon in said decision, nor does it appear from the decision of the Department of March 25, 1905 (I.T.D. 2302), in passing on the right to enrollment of Mary M. McNeen and her minor child that the rights of her husband, William G. McNeen, were considered.

You are requested to state whether the records of your office show that any application and adjudication thereon by you or the Commission to the Five Civilized Tribes has been made as to the right of William G. McNeen as an intermarried citizen of the Cheetaw Nation, and if so, you are requested to

forward the record in the case at once to the Department for further action thereon.

In connection therewith, your attention is invited to the petition of Jesse Holloway and an alleged correct copy of the proceedings of the revisory board of the Chectaw Nation in placing his name upon the roll as an intermarried citizen of said nation, on January 8, 1897. Jesse Holloway claims to be the husband of Mattie Holloway, whose name appears upon the roll of Chectaw citizens by blood, opposite No. 16006 thereon, approved by the Secretary of the Interior June 18, 1906, and his right to enrollment as an intermarried citizen of the Chectaw Nation does not appear to have been passed upon by you, the Commission to the Five Civilized Tribes, or the Secretary of the Interior in the disposition of the consolidated case of William C. Thompson et al.

If any action has been taken by you or the Commission upon the application of said Jesse Holloway and an adjudication made thereunder, you are requested to forward the record in his case to the Department for action thereon.

Respectfully,

(Signed) Theo Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inclosures.

COPY.

Waukegee, Indian Territory, January 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of January 2, 1907 (I.T.D. 15203, 15373-1905), received at this office on the ninth instant and referring for immediate report and action thereon, letters of inquiry dated December 10, 1906, from William G. McNeas and Jesse Holloway, relative to their right to enrollment as citizens by intermarriage of the Choctaw Nation, alleging that they were applicants for enrollment as such in the consolidated case of William C. Thompson, et al.

The Department states that William G. McNeas is the alleged husband of Mary M. McNeas, whose enrollment as a citizen by blood of the Choctaw Nation appears opposite No. 15998, upon the roll of Choctaw citizens by blood approved by the Secretary of the Interior June 16, 1906. Reference is also made to the record in the consolidated Choctaw case of William C. Thompson, et al., on Page 67 of which it is stated:

"That the record of applications for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes in the year 1896 is examined, and on page

(2)

206 thereof appears the case of William G. McNees vs. the Choctaw Nation, filed September 4, 1896. Answer filed, application denied December 1, 1896. The paper just identified by applicant as the original application made to this Commission in 1896 in this case."

The Department likewise invites attention to page 70 of the same record, being the concluding part of the petition of Mary M. McNees, nee Thompson, for enrollment as a citizen by blood of the Choctaw Nation, which contains the following:

"Whereof, your petitioner prays an order enrolling herself, her husband, and said child upon the final rolls of the Choctaw tribe of Indians in Indian Territory, and that they be adjudged to be members of said tribe."

The Department finds that the decision of the Commission to the Five Civilized Tribes of March 5, 1904, did not pass upon the rights of William G. McNees as an intermarried citizen of the Choctaw Nation, nor did the Department in its decision of March 25, 1905 (I.T.D. 2202-1905), in passing upon the right to enrollment of Mary M. McNees and her minor child consider the rights of her husband, William G. McNees.

I am therefore requested to state whether the records of this office show that any application and adjudication thereof had been made as to the right of William G. McNees as an intermarried citizen of the Choctaw Nation, and if so, to forward the record in the case to the Department at once for further action thereon.

I have the honor to report in reference to the application of William G. McNees for enrollment as a citizen by intermarriage of

the Choctaw Nation, that the same was not adjudicated by the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of William C. Thompson, et al., as no specific claim was made or right asserted to his identification by reason of his marriage to a Mississippi Choctaw. The records of this office show, however, that application was duly made for the enrollment of William G. McNeese as an intermarried citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes in the year 1899, but that action looking to the disposition of such application was suspended pending the consideration and disposition by the Department of the Mississippi Choctaw case, of William C. Thompson, et al.

June 22, 1906, there was filed with this office by Chester Howe, attorney at law, Washington, D. C., a motion for the reconsideration and review of the application of William G. McNeese for enrollment as a Choctaw Indian by blood, the motion referred to being transmitted for the information of the Department.

August 31, 1906, William G. McNeese, Marlow, Indian Territory, Chester Howe, Washington, D. C., and the attorneys for the Choctaw and Chickasaw Nations, were notified that Mr. McNeese would be heard before the Commissioner at his office at Muskogee, Indian Territory, on Saturday, September 29, 1906, at 9 o'clock A. M., for the purpose of testifying relative to his right to enrollment as

a citizen by intermarriage of the Choctaw Nation. Upon the written request of McNeese this hearing was continued until October 15, 1906, notice of such continuance being furnished the applicant, his attorney, and the attorneys for the Choctaw and Chickasaw Nations.

October 15, 1906, William G. McNeese appeared before the Commissioner and testified in reference to his right to enrollment as an intermarried citizen of the Choctaw Nation. At this hearing he was not represented by attorney, nor was any appearance entered on behalf of the Choctaw and Chickasaw Nations.

November 6, 1906, I rendered a decision refusing the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation, which decision with the record in the case, was, on November 8, 1906, transmitted the Department through the Commissioner of Indian Affairs.

The Department in its letter of January 2, 1907, also invites attention to the petition of Jesse Holloway, and an alleged copy of the proceedings of the Revisory Board of the Choctaw Nation in placing his name upon the roll as an intermarried citizen of said nation, on January 6, 1897. It is stated that Jesse Holloway claims to be the husband of Mattie Holloway, whose name appears upon the roll of Choctaw citizens by blood opposite No. 16006, approved by the Secretary of the Interior, June 16, 1906. The Department states his right to enrollment as an intermarried citizen of the Choctaw

(3)

Nation, does not appear to have been passed upon either by this office or the Department in the disposition of the consolidated case of William C. Thompson, et al.

In conclusion the Department desires to be advised if any action has been taken by this office upon the application of Jesse Holloway, and an adjudication made thereof, and if so, that the record be forwarded to the Department for action thereon.

In reporting upon the case of Jesse M. Holloway, I have to advise that the facts are practically identical with those in the William G. McNeese case; Holloway having applied to the Commission to the Five Civilized Tribes for enrollment as a citizen by intermarriage of the Choctaw Nation in the year 1899, but action was suspended upon the disposition of said application by reason of the fact that the Mississippi Choctaw case of William C. Thompson, was before the Department for consideration.

After the decision of the Department enrolling a number of the applicants by blood in the William C. Thompson case, this office took up for consideration the cases of the white persons claiming rights as intermarried citizens of the Choctaw Nation by reason of their marriages to the persons enrolled as citizens by blood of the Choctaw Nation.

November 28, 1906, Jesse M. Holloway, Marlow, Indian Territory, his attorney of record, Chester Howe, Washington, D. C., and

(6)

the attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner would, at his office at Muskogee, Indian Territory, on Monday, December 17, 1906, at 9 o'clock A. M., hear such testimony as might be submitted in support of the application for the enrollment of Jesse M. Holloway, as a citizen by intermarriage of the Choctaw Nation.

December 17, 1906, Jesse M. Holloway personally appeared before this office and testified in reference to his right to enrollment as such intermarried citizen. At this hearing he was not represented by attorney, nor was any appearance entered on behalf of the Choctaw and Chickasaw Nations.

After the consideration of this case, I rendered a decision on January 10, 1907, refusing the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation; said decision, together with the record in the case, having, on the same date, been transmitted the Department through the Commissioner of Indian Affairs.

The letters enclosed with Departmental letter of January 2, 1907, are returned herewith.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

FKL 1 enc.

Through the Commissioner
of Indian Affairs.

GR.

DEPARTMENT OF THE INTERIOR,

LLM

D.C. 12477

WASHINGTON.

I.T.D.4784-1907

February 28, 1907.

Direct.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

In conformity with the opinion of the Attorney-General of the United States of February 19, 1907 (I.T.D.4584), in the consolidated case of William C. Thompson et al., and in accordance with the recommendation of the Indian Office of February 21, 1907 (Land 99855-1906), copy whereof is enclosed, your decision of November 8, 1906, denying the application of William C. McNease for his enrollment as an intermarried citizen of the Choctaw Nation, is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office,

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 2 to Ind. Of.

AFM:

3-107.

Land
99858-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

COPY.

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated November 8, 1906, adverse to the applicant.

The record shows that application was made in the year 1899 to the Commission to the Five Civilized Tribes for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation.

The record further shows that the applicant herein claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on April 5, 1899 or 1890, to Mary M. McNeese, a recognized and enrolled citizen by blood of the Choctaw Nation.

The record further shows that on September 4, 1896, in the case entitled "Wm. G. McNeese vs. Choctaw Nation" original application was made to the Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. L., 521) for admission to citizenship in the Choctaw Nation of the applicant

herein as Wm. G. McKee as a citizen by intermarriage of the Choctaw Nation, and that on December 1, 1896, the Commission rendered its decision denying the application, from which decision no appeal was taken.

Commissioner Bixby reports that it does not appear from the records of his office that the applicant has ever been admitted to Choctaw citizenship by any duly constituted authority, nor has the applicant ever been married to his Choctaw spouse, through whom he claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of a license issued by the tribal authorities.

Therefore, by reason of the provisions of the Act of Congress approved June 28, 1898 (30 Stat. L., 495) and section 34 of the Act of Congress of July 1, 1902 (32 Stat. L., 641) the Office concurs in the decision of Commissioner Bixby denying the enrollment of William G. McKee as a citizen by intermarriage of the Choctaw Nation.

Very respectfully,

C. F. LARRABEE.

Acting Commissioner.

HEM.Ph.

D.C. 13358
I.T.D. 7852-1907.

J.P.
YME.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.R.S.
DIRECT.

March 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of January 11, 1907, relative to the claimed rights in the Choctaw Nation of William G. McNeese and Jesse Holloway. Your letter was transmitted to the Department with Indian Office letter of March 2, 1907 (Land 4711-07), copy inclosed.

No action appears necessary upon your communication, as the Department has passed, or will pass, upon the claims of these parties upon the records which you inform the Department have been submitted. The papers have been sent to the Indian Office.

Respectfully,

H. A. Hitchcock,

Secretary.

1 inc. and
3 for Ind. Of. with
copy hereof.

3-5-07.

Land.
4711-1907

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letter of January 2, 1907 (I.T.D. 15203-and 15373-1906), relative to letters of inquiry from William G. McNeen and Jesse Holloway, alleged applicants for enrollment in the consolidated case of William G. Thompson, et al., I have the honor to transmit herewith a report from Commissioner Bixby relative to the inquiries contained in these letters.

The letters and alleged motion for reconsideration and review are enclosed herewith.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

EWB--GD

Choc R300 Mary J. Thompson

Denied

R300

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the enrollment of the children of Mary J. Thompson as Choctaws; being sworn and examined by com'r McKennon she states:

- Q What is your name? A Mary J. Thompson.
- Q How old are you? A Thirty-eight.
- Q You claim to have intermarried with a Choctaw? A Yessir.
- Q When? A In 1879.
- Q Did you live with him until he died? A Yes sir.
- Q Since that time you have married a white man? A Yes sir.
- Q You have some children by a white man? A Yes sir, I have some by several white men, I want to enroll them all.
- Q Were you married to them? A Yes sir, I was lawfully married to them.
- Q What is the first one's name? A Wallace Crockett, that is my first white husband.
- Q What are the names of your children by him? A I have one living, Daisy Crockett, 13 years old.
- Q What is the next husband's name? A Jim Powers.
- Q You have a child by him? A Yes sir.
- Q What was its name? A Willie Powers, 12 years old;
- Q Next? A N. Thompson.
- Q That is your husband? A Yes sir, my living husband.
- Q You have a child by him? A Yes sir, two.
- Q What are their names? A Ida Thompson, 8 years old, and Nathan Thompson, 5 years old.
- Q That all? A Yes sir, that is all of mine.

com'r McKennon: Enrollment is refused.

Department of the Interior
Commission to the Five Civilized Tribes
I hereby certify that the above named Commission, that this
stenographer is a true, full and correct translation of
my stenographic notes.
md

7-R-300.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Daisy Crockett, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that in August, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Mary J. Thompson, and her four minor children, Daisy Crockett, Willie Powers, Ida Thompson and Nathan Thompson, as citizens of the Choctaw Nation. On November 10, 1902, written application was made to said Commission for the enrollment of Elsie Monroe Thompson as a citizen of said nation.

The application for the enrollment of Mary J. Thompson has heretofore been determined, her name appearing as number 1184 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior November 16, 1904.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on January 12, 1906, by Apple & Franklin, attorneys for the petitioners, a petition verified by Mary Jane Thompson, praying for the enrollment of her children, Daisy Crockett Coleman, Will Powers, Ida Thompson, Henry Nathan Thompson and Elsie Monroe Thompson, as citizens of the Choctaw Nation.

The record herein shows that the applicant, Daisy Crockett, was in July, 1902, married to one James A. Coleman, a non-citizen. The record herein further shows that the applicant, Daisy Crockett Coleman, is the daughter of Mary Jane Thompson, above mentioned, and Wallace Crockett, a non-citizen; that Willie (or Will) Powers is the son of said Mary Jane Thompson and Jim Powers, a non-citizen; and that Ida, Nathan (or Henry Nathan), and Elsie Monroe Thompson are the children of said Mary Jane Thompson and H. Thompson, a non-citizen.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Daisy Crockett Coleman, Willie (or Will) Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson, and Elsie Monroe Thompson as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Muskogee, Indian Territory,


Commissioner.

SEP 21 1906

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. February 12, 1906.

In the matter of the application for the enrollment of
of Daisy Crockett Coleman, Will Powers, Ida Thompson, Henry Nathan
Thompson, and Elsie Monroe Thompson as citizens of the Choctaw
Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed with this office on January 12, 1906, by Apple & Franklin, attorneys for the petitioners, a petition of Mary Jane Thompson, praying for the enrollment as citizens of the Choctaw Nation of her children, Daisy Crockett Coleman, Will Powers, Ida Thompson, Henry Nathan Thompson, and Elsie Monroe Thompson.

The petitioners claim the right to enrollment as citizens of the Choctaw Nation by reason of being the children of Mary Jane Thompson, a citizen by intermarriage of the Choctaw Nation, whose name appears upon the final roll of citizens by intermarriage of the Choctaw Nation approved by the Secretary of the Interior, opposite No. 1184.

January 27, 1906, Mary Jane Thompson, Linn, Indian Territory, Apple & Franklin, Muskogee, Indian Territory, the attorneys for the petitioners, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Monday, February 12, 1906, at 9 o'clock A. M., hear such testimony and receive such other evidence as might be presented by the petitioners in support of the application for the enrollment of her children as citizens of the Choctaw Nation.

Now on this 12th day of February, 1906, at 9 o'clock A. M. this cause being called for hearing in conformity with the notices to the petitioner, her attorneys and the attorneys for the Choctaw and Chickasaw Nations, the following appearances were entered and proceedings had:

APPEARANCES:

Mary Jane Thompson, the mother of the applicants.
Wirt Franklin, of Apple & Franklin, Muskogee, Indian Territory, appearing as attorney for the petitioner.
G. Rosenvinkel, of Mansfield, McMurray & Cornish, appearing on behalf of the Choctaw and Chickasaw Nations.

By Mr. Rosenwinkel:

We want to object to the reception and consideration of the applications of these persons, for the reason that their names do not appear upon the final rolls of the Choctaw Nation and for the further reason that they are not, in any event, such persons as are entitled to enrollment under the treaties and laws.

MARY JANE THOMPSON, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Mary Jane Thompson.
Q How old are you? A I am 44 the 14th of February.
Q Where do you live? A I live at Linn, Chickasaw Nation.
Q How long have you lived in the Choctaw-Chickasaw country? A Ever since I was 17 years old.
Q Are you possessed of any Indian blood? A Never heard of any; none of my parents had claimed any Indian blood, it never was proven, that all I know.
Q The only claim you have ever made is as an intermarried citizen? A Intermarried citizen, that's all I claim.

The witness is identified upon the records of this office upon Choctaw roll card filed No. 5832, and opposite No. 1184 upon the schedule of citizens by intermarriage of the Choctaw Nation, approved by the Secretary of the Interior November 16, 1904.

- Q What's the name of the Choctaw Indian you married? A John Moore.
Q When was you married to him? A 1879.
Q How long did you live with him? A One year.
Q Did you have any children by him? A Had one.
Q What is her name? A Her name now is Amanda Louisa Summers.
Q You have filed with this office a petition praying for the enrollment as citizens of the Choctaw Nation of Daisy Crockett Coleman, Will Powers, Ida Thompson, Henry Nathan Thompson and Elsie Monroe Thompson; are these your children? A Yes sir.
Q How old is Daisy Crockett Coleman? A She's 21 years old.
Q What is the name of her father? A Wallace Crockett.
Q Is he a white man? A Yes sir.
Q How old is Will Powers? A He is 18.
Q Is his father's name? A Jim Powers.
Q Is Jim Powers a white man? A Yes sir.
Q How old is Ida Thompson? A She is 14.
Q How old is Henry Nathan Thompson? A 11.
Q How old is Elsie Monroe Thompson? A Six.
Q Who is the father of these three Thompson children? A Nathan Thompson.
Q Is he a white man? A Yes sir.
Q Are these five children all living? A Yes sir.
Q Where were they born? A Daisy Coleman was born in the Chickasaw Nation; Will Powers was born in the Choctaw Nation; Ida Thompson was born in the Chickasaw Nation; Bud Thompson was born in the Chickasaw Nation and Elsie Monroe Thompson was in the Choctaw Nation. I have lived in the Choctaw and Chickasaw Nations.
Q Who do you mean by Bud Thompson? A Henry Nathan Thompson; that is a nickname.
Q These children were all born in the Choctaw and Chickasaw Nations? A Yes sir.
Q Have they lived there all their lives? A Yes, until Daisy was

married, then she went to Arkansas; she moved up there December 1902.

- Q When was Daisy married? A She was married in July 1902.
- Q What was her name September 1902? A Daisy Coleman; she married in July, 1902.
- Q Did you ever appear before the Daves Commission and make application for the enrollment of these children as citizens of the Choctaw Nation? A I made application for them.
- Q Where did you apply for the enrollment of these children? A At Atoka.
- Q When was that? A I don't remember when it was; it was when the Daves Commission was at Atoka.
- Q Remember what year it was? A No sir, I don't.
- Q How long ago has it been? A I don't know just exactly; it has been--it was when the Commissioners were at Atoka; been about seven years ago any way, I think.

It appears from the records of the Commission to the Five Civilized Tribes that application was made by Mary Jane Thompson at Atoka, Indian Territory, at the appointment of the Commission at that town, beginning August 28, 1899, for the enrollment of her children, Daisy Crockett, Willie Powers, Ida Thompson, and Nathan Thompson as citizens of the Choctaw Nation.

- Q Now Mrs. Thompson, at the time you were at Atoka, was this youngest child living? A No.
- Q When was Elsie born? A She was born in 1900, six years ago.

There was filed with the Commission to the Five Civilized Tribes on November 10, 1902, written application for the enrollment of Elsie Monroe Thompson, born January _____ 1900, as a citizen of the Choctaw Nation.

By Mr. Franklin:

- Q Mrs. Thompson, have you lived continuously in the Choctaw and Chickasaw Nations from the date of your marriage with John Moore up to the present time? A Yes sir, Choctaw and Chickasaw Nation; I have lived all the time in the Choctaw and Chickasaw Nations.
- Q During this time you never made your home any place else? No place else.
- Q Have all of your children, the applicants in this case, lived in the Choctaw-Chickasaw country from the date of their birth up to and including September 25, 1902? A Yes sir.
- Q Your marriages to Wallace Crockett, Jim Powers and Nathan Thompson were all since the death of John Moore? A Yes sir.

By Mr. Rosenwinkel:

- Q Who was your first white husband? After the death of your Indian husband, John Moore? A Wallace Crockett.
- Q Where did you marry him? A At Jarvis Hanceck's in the Chickasaw Nation; we went there and he married us.
- Q Have you got the proof of your marriage to him? A No.
- Q Haven't got it? A No.
- Q Were you legally married to him? A Yes sir, the Chickasaw books ought to show.
- Q Now your next white husband was Jim Powers? A Jim Powers.

- Q Before you were married to him did Wallace Crockett die? A He was shot and killed.
- Q How were you married to your next husband, Jim Powers? A I was married according to the law as near as they would let us.
- Q Got a license? A He went to Judge Perkins and he didn't give us a license. He told Mr. Powers to fetch the woman down and he would marry her for \$2.00 and he would record the marriage and it would be just the same.
- Q Have you got any proof or evidence of that second marriage, that marriage with Jim Powers? A Not with me.

By Mr. Franklin:

- Q You were lawfully married to all three of your white husbands?
- A I was lawfully married, of course, sir.
- Q There was no obstacle in the way of those marriages in any manner?
- Q Have you got any children beside the applicants already named?
- A I have one.

By the Commissioner:

We will have to confine the hearing to the allegations in the petition.

By Mr. Rosenwinkel:

- Q Was Wallace Crockett ever married before his marriage to you?
- A No sir.
- Q Do you know this of your own personal knowledge? A No, I don't know.
- Q Was Jim Powers ever married before he was married to you? A Yes sir, he had been married; he had several children.
- Q Was he separated from his wife or was she dead? A She was dead.
- Q Do you know this of your personal knowledge? A Just hearsay; he said she was.

Witness excused.

DAISY CROCKETT COLEMAN, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Daisy Crockett Coleman.
- Q Your age and your postoffice address? A Twenty-one; Linn, Indian Territory.
- Q Do you live in the Chickasaw Nation? A Yes sir.
- Q You are actually living in the Chickasaw Nation at the present time? A Yes sir.
- Q Have you ever lived anywhere else? A Yes sir.
- Q Where? A Near Fort Smith.
- Q How long did you live at Fort Smith? A I moved there the 15th of December and moved back about the first of November last--the 8th of November.
- Q What is your father's name? A Wallace Crockett?
- Q Is he living? A No sir.
- Q What is your mother's name? A Mary Jane Thompson.
- Q You are a white woman are you not? A Yes sir.

By Mr. Franklin:

Q Mrs. Coleman, were you ever in the army or navy?

December 15, 1902, until last November, you have always lived in the Choctaw-Chickasaw country from your birth? A Never out of the Territory until I was married; I was married the 3rd of July, 1902.

- Q How long after you was married until you went out of the Territory? A The 15th of December.
- Q Are your brothers and sisters, Will Powers, Ida Thompson, Henry Nathan Thompson and Elsie Monroe Thompson now living? A Yes sir.
- Q Where do they live? A They all live at Linn.
- Q Do they live on the same place with their mother? A All of them but me.

Witness excused.

NATHAN THOMPSON, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Nathan Thompson.
- Q What is your age and your postoffice address? A Sixty-four.
- Q Where do you live? A At Linn.
- Q Are you a citizen of either the Choctaw or Chickasaw Nations? A No sir.
- Q You are a white man? A Yes sir.

By Mr. Franklin:

- Q Are you the husband of Mary Jane Thompson? A Yes sir.
- Q Have you any children by her? A Yes sir.
- Q What are their names? A Ida, Henry Nathan and Elsie Monroe.
- Q Are these children all living today? A Yes sir.
- Q Where have they lived since their birth? A Right where they are living now; well, I was up on Boggy Creek, near Ateka---
- Q They have always lived in the Choctaw and Chickasaw Nations? A Yes sir.
- Q Has your wife any children by former husbands? A Yes sir.
- Q What are their names? A Will Powers and Daisy Crockett.
- Q What is Daisy Crockett's present name? A Coleman.
- Q Are these two children living? A Yes sir.
- Q Where have they lived since you became acquainted with them? A Q Daisy was raised right there where we now live, but she married about three years ago and went to Fort Smith; they have been back about a year.
- Q Where does Will Powers live? A He lives where we are living now, with the exception that he visited his sister at Fort Smith and then went down to Texas.
- Q Prior to September 25, 1902, where had these children lived? A Prior to that time?
- Q Yes? A In the Chickasaw and Choctaw both; we moved from the Chickasaw to the Choctaw Nation.
- Q They just lived in the Choctaw and Chickasaw country? A Yes sir.
- Q When were you married to Mary Jane Thompson? A '89; '88 or '89 somewhere along there.

By Mr. Rosenwinkel:

- Q Q You say Will Powers was in Texas part of the time? A About three months.

- Q When was that? A That was last summer.
Q Were you ever married prior to your marriage to Mrs. Thompson?
A Yes sir; my first wife died across the river from where I
now live.
Q That was the only time? A Yes sir.

By Mr. Franklin:

- Q Did you say Will Powers was in Texas? A Went down there and
stayed about three months.
Q I thought you said Fort Smith? A He went to visit his sister
there.
Q And then went to Texas? A He went down to Texas and stayed
a few months.

By Mr. Rosenwinkel:

- Q Are you positive these other children and Will Powers were all
living in the Choctaw-Chickasaw country in 1898? A I think
I am pretty certain they was; These two children--Daisy before
her marriage lived here on the place where they are now living.
He was a machinist and he thought if they was approved he could
make some money to improve the place and they moved back last
summer.
Q In '98 were any more of these children living in Arkansas or
Texas? A I don't know--I won't say positive--I can't.
Q Can't you think back? A I believe they were all living there.
Q Where? A Where they are living now, at Linn.
Q Prior to the time that application was made for them were not
some of them living out of the Territory? A No sir, they
have never seen out of the Territory.

Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five
Civilized tribes, on oath states that she correctly reported the
proceedings had in the above entitled cause and that the foregoing
is a full, true and correct transcript of her stenographic notes
thereof.

Olga Petroff

Subscribed and sworn to before me this 12th day of February, 1906.

H. H. Hains
Notary Public.

4

United States of America, }
Indian Territory, } SS.
Western District. }

I, Wirt Franklin, one of the attorneys for the applicants, Daisy Crockett Coleman (nee Crockett), Will Powers, Ida Thompson, Henry Nathan Thompson and Elsie Monroe Thompson, being first duly sworn state that I sent by registered mail to Mansfield, McMurray & Cornish, at South McAlester, Indian Territory, on January 9th 1906, a perfect duplicate of the annexed petition and I attach hereto post master's receipt for same.

(Signed) Wirt Franklin

Subscribed and sworn to before me this 10th day of January, 1906.

(Signed) M. G. Bailey, Notary Public.

(Seal)

My Commission expires _____.

Registry receipt attached.

Endorsed as follows:

Department of the Interior,
Commissioner to the Five Civilized Tribes
FILED Jan 12 1906
Tans Bixby Commissioner.

In the matter of the application for
the enrollment of Daisy Crockett Coleman
(nee Crockett), Will Powers, Ida Thompson,
Henry Nathan Thompson and Elsie
Monroe Thompson as citizens of the Choctaw
Nation.

PETITION.

The Honorable Commissioner to the Five Civilized Tribes, Muskogee,
Indian Territory.

Your petitioner, Mary Jane Thompson, of Linn, Indian Territory, respectfully requests that the names of her children, Daisy Crockett Coleman (nee Crockett), Will Powers, Ida Thompson, Henry Nathan Thompson and Elsie Monroe Thompson, be placed upon the final roll of citizens of the Choctaw Nation and allowed to participate in the distribution of the tribal property of the Choctaw Nation, as other citizens of said nation, under the ruling of the Assistant Attorney General for the Department of the Interior in the Choctaw enrollment case of Mary Elizabeth Martin (ITD 7884, 8370-1903 and 11856-1904). In support thereof your petitioner respectfully sets forth the following as a true and correct statement of facts:

Your petitioner is a recognized and enrolled citizen by intermarriage of the Choctaw Nation, having been enrolled as such by the Commissioner to the Five Civilized Tribes (which enrollment was subsequently approved by the Secretary of the Interior) by virtue of her marriage in the year 1879 with John Moore, a recognized citizen by blood of the Choctaw Nation, with whom your petitioner lived as his wife until his death about one year after said marriage. After the death of said John Moore your petitioner was lawfully married to Wallace Crockett, a white man, and as the offspring of this marriage the applicant, Daisy Crockett Coleman (nee

Crockett), was born. Your petitioner was next lawfully married to Jim Powers, a white man, by whom she gave birth to the applicant, Will Powers. Subsequently she was lawfully married to her present husband Nathan Thompson, who is a white man and the father of her three children, the applicants, Ida Thompson, Henry Nathan Thompson and Elsie Monroe Thompson. All of said children were born prior to September 25, 1902 and are now living. Applications for the enrollment of all these children were made to the Commission to the Five Civilized Tribes within the time prescribed by the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Your petitioner would further show that upon her marriage to the said John Moore in 1879 she became "in all respects" as though she were a native Choctaw, under article XXXVIII, of the treaty between the United States and the Choctaw and Chickasaw Nations concluded April 28, 1866. This being the case, the applicants, Daisy Crockett Coleman (nee Crockett), Will Powers, Ida Thompson, Henry Nathan Thompson and Elsie Monroe Thompson, born in lawful wedlock to your petitioner subsequent to the time when she became such citizen, were born to the allegiance of the Choctaw Nation and have been from their birth and are today citizens by birth of said nation, entitled to all the rights, benefits and immunities of other citizens of said nation. It is further stated that all of said children have been from their birth up to the present time residents in good faith of the Choctaw-Chickasaw country.

WHEREFORE, your petitioner prays on behalf of her said children, the applicants herein, that she be granted an opportunity to introduce testimony and written evidence in support of the allegations herein made; that a day be set when a hearing in this case may be had and the testimony of witnesses, relative to the rights of

these applicants, may be taken; and that, should said evidence bear out the statements and allegations herein set forth, the Commissioner to the Five Civilized Tribes enroll said Daisy Crockett Coleman (nee Crockett), Will Powers, Ida Thompson, Henry Nathan Thompson and Elzie Monroe Thompson as citizens of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641).

(Signed) Mary Jane Thompson Petitioner.

United States of America,) SS.
Indian Territory,)
Southern District.)

Mary Jane Thompson, being first duly sworn, on oath states that she has read the foregoing petition, by her subscribed, knows the contents thereof, and that the same is true in substance and in fact.

(Signed) Mary Jane Thompson

Subscribed and sworn to before me this 6th day of January 1906.

(Signed) H. F. Fultz Notary Public.

(Seal)

My Commission expires March 31st 1909.

Apple & Franklin,

Muskogee, Indian Territory,

Attorneys for applicants.

Choctaw D 68

7-R-300

In the matter of the enrollment
of Elzie Monroe Thompson as a
citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

F I L E D

Feb -6, 1904.

Tams Bixby, Chairman.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Elsie Monroe Thompson as a citizen of the Choctaw Nation, Choctaw
Field No. D-68.

We hereby request, on behalf of the Choctaw and Chickasaw
Nations, that final decision in this case be postponed until final
decision by the Choctaw and Chickasaw Citizenship Court in the case
of Joanna Mickle, et al., Vs. Choctaw and Chickasaw Nations, No. 37
on the South McAlester Docket, in which the said court will decide
the question of whether white persons, the widows or widowers of
deceased Choctaw and Chickasaw spouses, can confer rights of citizen-
ship upon white husbands or wives whom they may remarry and upon
their white children by them, which question is involved in the case
to which this communication refers.

This request is filed under authority granted by the
Honorable Secretary of the Interior in his communication to the
Commission to the Five Civilized Tribes upon the subject, dated
November 18, 1903.

Manafield M. Montgomery, et al.
Attorney for the Choctaw & Chickasaw
Nations.

January 23, 1904.

CHOCTAW R-300.

In the matter of the enrollment
of Mary J. Thompson, and her
children, Daisy Crockett, Willie
Powers, Ida Thompson and Nathan
Thompson, as citizens of the
Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys.

Department of the Interior
Commissioner to the Five Civilized Tribes.

FILED

Feb 6 1904

Tams Bixby

Chairman.

BEFORE THE COMMISSION. TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Mary J. Thompson and her minor children, Daisy Crockett, Willie Powers, Ida Thompson and Nathan Thompson, Choctaw Field No. -R-300.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw and Chickasaw spouses, can confer rights of citizenship upon white ~~subsequent~~ wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurrat & Cornish
Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

Muskogee, Indian Territory, September 5, 1902.

James A. Coleman,

Linn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 29, acknowledging receipt of our communication of August 24, 1902, relative to the rights of your wife to be enrolled as a citizen of the Chectaw Nation.

You state in your letter that the maiden name of your wife was Daisy Crockett and that application was made to this Commission for her enrollment at Atoka, Indian Territory, some three years ago; that she is the daughter of Mary Jane Thompson, a white woman, who was at one time the wife of John Moore, a Chectaw Indian.

From the information contained in your letter it is now possible to identify your wife as Daisy Crockett, the daughter of Mary J. Thompson, who appeared before this Commission at Atoka, Indian Territory in August, 1899, and made application for the enrollment of herself as a citizen by intermarriage of the Chectaw Nation and for the enrollment of her four minor children, Daisy Crockett, Willie Powers, and Ida and Nathan Thompson as citizens of the Chectaw Nation.

J A T B

It appears that Mary J. Thompson is a white woman who in 1878 was married to John Moore, a citizen by blood of the Choctaw Nation; that they lived together about one year, until the death of John Moore and after his death she first married a white man named Wallace Crickett by whom she had one child, Daisy Crickett, who is evidently the person referred to in your communication as your wife.

It appears therefore that your wife is a white person and does not possess any Choctaw blood nor does it appear that she has ever been married to a recognized and enrolled citizen by blood of the Choctaw Nation in accordance with the laws of that tribe.

In this respect your attention is directed to the following provision of the act of Congress of June 30, 1896, defining the authority of this Commission to enroll persons as citizens of the Choctaw Nation:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee) eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

J A T 3

The Commission has not up to this time rendered any decision relative to the rights of the minor children of Mary J. Thompson to be enrolled as citizens of the Chectaw Nation but will do so as early as practicable.

When such decision is rendered Mrs. Thompson will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

Choctaw R 300.

Muskogee, Indian Territory, February 10, 1904.

Mary J. Thompson,

Care James A. Coleman,

Linn, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself and minor children, Daisy Crockett, Willie Powers, Ida Thompson and Nathan Thompson as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-R)300.

Muskogee, Indian Territory, May 27, 1905.

Mary Jane Thompson,

Linn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 22, asking what disposition has been made of the application for the enrollment of your children, Daisie Crockett, W. L. Powers, Ida Thompson, Henry N. Thompson and Elzie Monroe Thompson.

In reply to your letter you are advised that the Commission has not yet passed upon the application for the enrollment of your children, Daisy Crockett, Willie Powers and Ida, Nathan and Elzie Monroe Thompson, as citizens of the Choctaw Nation, but you will be notified of such action as is taken in this case.

Respectfully,

Chairman.

Muskegee, Indian Territory, September 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for enrollment of Daisy Crockett Coleman, Willie (or Will) Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson, and Elzie Monroe Thompson as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated September 28, 1906, denying said application.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

2 Incl. 7-R-300

Through the Commissioner
of Indian Affairs.

7-R-300

COPY

Muskogee, Indian Territory, September 28, 1906.

James A. Coleman,

Linn, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 28, 1906, denying the application and petition for the enrollment of Daisy Crockett Coleman, Willie (or Will) Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson, and Elsie Monroe Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*

Registered.

Incl. 7-R-300

Commissioner.

7-R-300

COPY

Muskogee, Indian Territory, September 28, 1906.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 28, 1906, denying the application and petition for the enrollment of Daisy Crockett Coleman, Willie (or Will) Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson, and Elzie Monroe Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED, James B. Blair

Registered.

Commissioner.

Incl. 7-R-300.

7-R-300

Muskogee, Indian Territory, September 28, 1906.

Mary J. Thompson,
Care of James A. Coleman,
Linn, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 28, 1906, denying the application and petition for the enrollment of Daisy Crockett Coleman, Willie (or Will) Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson, and Elzie Monroe Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Registered.

Incl. 7-R-300.

SIGNED

25th

Commissioner.

7-R-300

COPY

Muskogee, Indian Territory, September 28, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 28, 1906, denying the application and petition for the enrollment of Daisy Crockett Coleman, Willie (or Will) Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson, and Elsie Monroe Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tamm Diney

Incl. 7R-300

Commissioner.

7-R-300
W-6

Muskogee, Indian Territory, April 5, 1907.

Mary J. Thompson,
Care James A. Coleman,
Linn, Indian Territory,

Dear Madam:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of September 28, 1906, denying the application and petition for the enrollment of Daisy Crockett Coleman, Willie (or Will) Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson, and Elsie Monroe Thompson as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-R-300
W-6

Muskogee, Indian Territory, April 5, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of September 28, 1906, denying the application and petition for the enrollment of Daisy Corckett Coleman, Willie (or Will) Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson, and Elsie Monroe Thompson as citizens of the Choctaw Nation.

Respectfully,

San D. [Signature]

Acting Commissioner.

7-2-300
Enc

Muskogee, Indian Territory, April 5, 1907.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of September 28, 1906, denying the application and petition for the enrollment of Daisy Crockett Coleman, Willie (or Will) Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson and Elsie Monroe Thompson as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,

Asting Commissioner

7-E-300
V-6

Muskogee, Indian Territory, April 5, 1907.

James A. Coleman,
Linn, Indian Territory,

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of September 28, 1906, denying the application and petition for the enrollment of Daisy Crockett Coleman, Willie (or Will) Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson, and Elsie Monroe Thompson as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

(COPY)

Land.
86131-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Office report of even date, Land 111940, transmitting the record relative to the application of Irene Coleman, et al., for enrollment as citizens of the Chestaw Nation, there is enclosed a report from the Commissioner to the Five Civilized Tribes dated September 23, 1906, forwarding the record relative to the application of Daisy Crockett Coleman and Willie Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson and Elsie Monroe Thompson, as citizens of the Chestaw Nation, including the decision of the Commissioner of September 23, 1906, denying the applications.

The record shows that Mary Jane Thompson is enrolled at No. 1184 on the approved roll of citizens by intermarriage of the Chestaw Nation, and that Daisy Crockett Coleman is the daughter of Mary J. Thompson and Wallace Crockett, a non-citizen; that Willie Powers is a son of Mary J. Thompson and Jim Powers, a non-citizen; That Ida, Nathan (or Henry Nathan) and Elsie Monroe Thompson are the children of Mary J. Thompson and W. Thompson, a non-citizen.

Considering the Department's holding of July 10, 1906, I.D.A.

2548, in the William Jesse Bacon case, and the provisions of the Act of June 21, 1906 (34 Stat. L., 325), the applicants are not entitled to enrollment, and the approval of the Commissioner's decision is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

GAV-GH.

D. C. 11790-1907.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

PHIL.

I.T.D. 2632, 2672, 2740, 2905, 3224-1907.

3296, 3304, 3336, 3374, 3384, "
3394, 3416, 3446, 3482, 3488, "
3482, 3530, 3546, 3584, 3588, "
3598, 3598, 3572, 3602, 3652, "
3688, 3694, 3712, 3722, 4042, "
4084, 4112, 4116, 4146, 4194, "
4200, 4220, 4230, 4240, 4242, "
4256, 4294, 4310, 4312, "

LRS.

February 26, 1907.

URGENT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.

Date of your
letter of transmittal.

Joseph E. Collins,
James E. Burnes, et al.,
Fannie H. Falconer, et al.,
Jessie Joe Turner
Thomas Woods,
Lieta Benson,
Amy M. Hancock, et al.,
Daisy Crockett Coleman, et al.,
Harry Guice
Lucinda M. Monks, et al.,
Agnes Irene Coleman, et al.,
Lillie May Pate, et al.,
Rutha Ann Ferguson,
Doris Adeline Goforth,
Andrew J. Ollar, et al.,
Fannie C. Blahely, et al.,

June 19, 1906.
June 19, 1906.
June 19, 1906.
June 19, 1906.
December 19, 1906.
November 4, 1906.
November 15, 1906.
September 28, 1906.
October 2, 1906.
November 13, 1906.
December 20, 1906.
December 20, 1906.
December 20, 1906.
December 20, 1906.
November 18, 1906.
November 14, 1906.

Title of Case.

**Date of your
letter of transmittal.**

Overton Martin Bonds et al.,	January 14, 1907.
John Lee Hunt	December 20, 1906.
Yathleen Lockett	January 17, 1907.
Thomas Randolph Hamlin,	December 20, 1906.
Hamie Demagun,	January 12, 1907.
William A. Gardner,	December 20, 1906.
Sophia C. Harris, et al.,	December 20, 1906.
Jesse Monroe Jones	January 12, 1907.
Bertie Cotton, et al.,	October 4, 1906.
Maggie Irene Sta leup,	November 22, 1906.
L. Everett Parks, et al.,	November 22, 1906.
Ella Florence Cochran,	October 2, 1906.
Clare Irene Cummings, et al.,	December 20, 1906.
Tilden J. Smith,	November 21, 1906.
Jewell Herryman,	November 21, 1906.
Jim Castilew, et al.,	December 21, 1906.
Lettie May Hickman, et al.,	December 24, 1906.
Rue Colbert, et al.,	December 21, 1906.
Natilda Florence,	June 20, 1906.
Mary Jane Fulson, et al.,	June 18, 1906.
Lee Edek, et al.,	October 20, 1906.
Hermelia Thompson,	November 21, 1906.
John Hardy Sterling, et al.,	November 22, 1906.
James Maberry Morse Jr.,	January 16, 1907.
James G. Shaw,	November 21, 1906.
Callie Engelman, et al.,	January 16, 1907.
Fannie Pearl Deagles, et al.,	December 21, 1906.
Thomas A. Fitzgerald (Jr.)	December 21, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse H. Wilson,
Assistant Secretary.

44 inc. and
92 per Ind. Of.

A. F. No.
E-14-57.

(COPY)

Land.
86151-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Office report of even date, Land 111940, transmitting the record relative to the application of Irene Coleman, et al., for enrollment as citizens of the Choctaw Nation, there is enclosed a report from the Commissioner to the Five Civilized Tribes dated September 28, 1906, forwarding the record relative to the application of Daisy Crockett Coleman and Willie Powers, Ida Thompson, Nathan (or Henry Nathan) Thompson and Elsie Monroe Thompson, as citizens of the Choctaw Nation, including the decision of the Commissioner of September 28, 1906, denying the applications.

The record shows that Mary Jane Thompson is enrolled at No. 1184 on the approved roll of citizens by intermarriage of the Choctaw Nation, and that Daisy Crockett Coleman is the daughter of Mary J. Thompson and Wallace Crockett, a non-citizen; that Willie Powers is a son of Mary J. Thompson and Jim Powers, a non-citizen; That Ida, Nathan (or Henry Nathan) and Elsie Monroe Thompson are the children of Mary J. Thompson and W. Thompson, a non-citizen.

Considering the Department's holding of July 10, 1906, I.D.A.

2548, in the William Jesse Bacon case, and the provisions of the Act of June 21, 1906 (34 Stat. L., 325), the applicants are not entitled to enrollment, and the approval of the Commissioner's decision is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

SAT-CH.

NEW BORN

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Willie Powers.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Aug. 10, 1887.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed MAY 24 1906

James Bixby, Commissioner.

CHOCTAW

RECEIVED

7-5832.

MAY 18 1906

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Choctaw.....Nation,
ofWillie Powers....., born on the 10...day of ...August.....1887..
[Here insert name of child]
Name of Father:.....Jim Powers.....a citizen of the....U. S.Nation.
Name of Mother:.....Mary Jane Thompson.....a citizen of the....Choctaw.....Nation.
Tribal enrollment of father.....Tribal enrollment of mother.....
Postoffice.....Linn, I. T.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern.....District. }

I,Mary Jane Thompson....., on oath state that I am.....44.....
years of age and a citizen by...Marriage.....of the.....Choctaw.....Nation;
that I am the lawful wife of.....Nathan Thompson....., who is a citizen, by
.....of the.....U. S.Nation; that a...Male...child was
[Male or Female]
born to me on...10.....day of.....August.....1887.; that said child has been named
..Willie Powers.....and was living March 4, 1906.

Mary Jane Thompson

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this.....16.....day of.....May.....1906.

H. F. Fultz

Notary Public.

(SEAL)

TWO DISINTERESTED PARTIES.

AFFIDAVIT OF ~~AMERICAN~~ ~~DISINTERESTED~~ PARTIES.

UNITED STATES OF AMERICA, Indian Territory, }
Southern.....District. }

X, We, J. P. Rushing and E. A. Hammon, a....., on oath state that I
we are acquainted with Willie Powers
attended onwife of.....
on theday of.....1.....; that there was born to her on said date a.....
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named....Willie Powers.....

WITNESSES TO MARK:

J. P. Rushing

E. A. Hammon

[Must be Two
Witnesses]

Subscribed and sworn to before me this.....16.....day of.....May.....1906.

H. F. Fultz

Notary Public.

(SEAL)

NEW BORN

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Ida. Thompson.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born March 15, 1891.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.
Filed MAY 24 1906.
Tams Bixby, Commissioner.

CHOCTAW

RECEIVED

5832

MAY 18 1906.

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Ida Thompson born on the 15 day of March 1891
(Here insert name of child)
Name of Father: Nathan Thompson a citizen of the U. S. Nation.
Name of Mother: Mary Jane Thompson a citizen of the Choctaw Nation.
Tribal enrollment of father Tribal enrollment of mother
Postoffice Linn, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Mary Jane Thompson on oath state that I am 44
years of age and a citizen by Marriage of the Choctaw Nation;
that I am the lawful wife of Nathan Thompson who is a citizen, by
..... of the U. S. Nation; that a Female child was
(Male or Female)
born to me on 15 day of March 1891; that said child has been named
Ida Thompson and was living March 4, 1906.

..... Mary Jane Thompson

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....

Subscribed and sworn to before me this 16 day of May 1906.

(SEAL)

..... H. F. Fultz

Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, Mary Smith a Mid-wife on oath state that I
attended on Mary Jane Thompson wife of Nathan Thompson
on the 15 day of March 1891; that there was born to her on said date a Female
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Ida Thompson

..... Mary (Her x mark) Smith

WITNESSES TO MARK:

[Must be Two Witnesses] { J. P. Rushing
..... E. A. Hammon

Subscribed and sworn to before me this 16 day of May 1906.

(SEAL)

..... H. F. Fultz

Notary Public

NEW BORN

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Henry Nathan Thompson.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born April 16, 1894,

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five Civil-
ized Tribes.

Filed May 24, 1906.
Tams Bixby, Commissioner.

CHOCTAW
5832

RECEIVED
MAY 18 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Henry Nathan Thompson born on the 16 day of Apr. 1894.
(Here insert name of child)
Name of Father: Nathan Thompson a citizen of the U. S. Nation.
Name of Mother: Mary Jane Thompson a citizen of the Choctaw Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Linn, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Mary Jane Thompson on oath state that I am 44
years of age and a citizen by Marriage of the Choctaw Nation;
that I am the lawful wife of Nathan Thompson who is a citizen, by
..... of the U. S. Nation; that a Male child was
(Male or Female)
born to me on 16 day of April 1894; that said child has been named
Henry Nathan Thompson and was living March 4, 1906.

Mary Jane Thompson

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 16 day of May 1906.

H. F. Fultz

Notary Public

(SEAL)

two-disinterested parties.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

K. We, J. P. Rushing and E. A. Hammon, a on oath state that X
we are acquainted with Henry Nathan Thompson
attended on wife of
on the day of 1; that there was born to her on said date a
(Male or Female)
child: that said child was living March 4, 1906, and is said to have been named Henry Nathan
Thompson

J. P. Rushing

E. A. Hammon

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 16 day of May 1906.

H. F. Fultz

Notary Public

(SEAL)

NEW BORN

1906

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1906.

..Eltzie Monroe Thompson.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Jan. 18, 1900.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed MAY 24 1906

Wams Bixby, Commissioner.

CHOCTAW . RECEIVED

5832

MAY 18 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Choctaw.....Nation,
ofElsie Monroe Thompson....., born on the 18 day of Jan.,.....1900.
[Here insert name of child]
Name of Father:.....Nathan Thompson.....a citizen of the.....U.S.....Nation.
Name of Mother:.....Mary Jane Thompson.....a citizen of the.....Choctaw.....Nation.
Tribal enrollment of father.....Tribal enrollment of mother.....
Postoffice.....Linn, I. T.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern.....District. }

I,Mary Jane Thompson.....on oath state that I am.....44.....
years of age and a citizen by Marriage.....of the.....Choctaw.....Nation;
that I am the lawful wife of.....Nathan Thompson....., who is a citizen, by
.....of the.....U.S.....Nation; that a Male.....child was
[Male or Female]
born to me on 18 day of January.....1900; that said child has been named
Elsie Monroe Thompson.....and was living March 4, 1906.

Mary Jane Thompson

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....

Subscribed and sworn to before me this 16 day of May.....1906.

H. F. Fultz

Notary Public.

(SEAL)

two disinterested parties

AFFIDAVIT OF ~~AGREEMENT~~ ~~WITNESSES TO MARK~~

UNITED STATES OF AMERICA, Indian Territory, }
Southern.....District. }

X We, J. P. Rushing and E. A. Hammon,.....on oath state that K
we are acquainted with Elsie Monroe Thompson
attended onwife of.....
on theday of.....1.....[that there was born to her on said date a.....
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named.....Elsie Monroe.....
Thompson.....

WITNESSES TO MARK:

J. P. Rushing

E. A. Hammon

[Must be Two Witnesses] {
.....

Subscribed and sworn to before me this 16 day of May.....1906.

(SEAL)

H. F. Fultz

Notary Public.

IN RE

Application for Enrollment of
INFANT CHILD

as a citizen of

Nation.

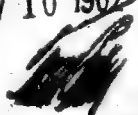
Approved 190.....

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 10 1902


Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Elsie Monroe Thompson (Here insert name of child.) born on the 18 day of Jan., 1900.
Name of Father: N. Thompson U. S. citizen of the Choctaw Nation.
Name of Mother: M. J. Thompson by marriage a citizen of the Choctaw Nation.
Postoffice Linn, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, M. J. Thompson, on oath state that I am 40
years of age and a citizen by marriage, of the Choctaw Nation;
that I am the lawful wife of N. Thompson U. S.
of the Choctaw Nation; that a male child was
(Male or Female.)
born to me on 18th day of Jan., 1900; that said child has been named
Elsie Monroe Thompson and is now living.

WITNESSES TO MAKE:

(Signed) M. J. Thompson

(Must be Two Witnesses.) {
B. F. Ball
J. P. Rushing

Subscribed and sworn to before me this 14th day of Nov., 1902

(Seal)

(Signed) H. F. Fultz

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, Mary Hostetter (nee Pratt), a midwife, on oath state that I
attended on Mrs. M. J. Thompson, wife of N. Thompson
on the 18th day of January, 1900; that there was born to her on said date a male
is now living
(Male or Female.)
child; that said child was living March 4, 1906, and is said to have been named Elsie Monroe Thompson

(Signed) Mrs Mary Hostetter.

WITNESSES TO MAKE:

(Must be Two Witnesses.) {

Subscribed and sworn to before me this 13 day of December, 1902

(Seal)

D. H. Linebaugh

Notary Public.

CHOCTAW

217

IN RE

Application for Enrollment of
INFANT CHILD

~~Elzie Monroe Thompson~~

as a citizen of

Choctaw

Nation.

Approved Nov 10 1902 190


(Signed) Tams Bixby

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 10 1902


Acting Chairman.

CHOCTAW

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Elsie Monroe Thompson (Here insert name of child.) born on the _____ day of January, 1900
Name of Father: N. Thompson a citizen of the non cit Nation.
Name of Mother: Mary Jane Thompson a citizen of the Choctaw Nation.
Postoffice: Lynn, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, Mary Jane Thompson, on oath state that I am 40
years of age and a citizen by marriage, of the Choctaw Nation;
that I am the lawful wife of N. Thompson, who is a citizen, by
blood, of the U.S. Nation; that a male child was
(Male or Female.)
born to me on ----- day of January, 1900; that said child has been named
Elsie Monroe Thompson is now living.
and ~~was living March 4, 1905.~~

(Signed) M. J. Thompson

WITNESSES TO MARK:

(Must be Two Witnesses.) { _____

Subscribed and sworn to before me this 6 day of November, 1902.

C. S. Stephens

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

(Seal)

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, _____, on oath state that I
attended on Mrs. _____, wife of _____
on the _____ day of _____, 1902; that there was born to her on said date a
(Male or Female.)
child; that said child was living March 4, 1905, and is said to have been named _____.

WITNESSES TO MARK:

(Must be Two Witnesses.) { _____

Subscribed and sworn to before me this _____ day of _____, 1902.

Notary Public.

DENIED

Mary J. Thompson
for her children
vs
Shattuck Station

JUN 7 1902

See petition #10-6.

Judgment written July 7, 1901
R.H.

No 2 Col. 100-10000

REFUSED. SEP 28 1906

COPY OF DECISION FORWARDED

SEP 11 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.
COPY OF DECISION FORWARDED
ATTORNEY FOR LAW AND
CHICAGO, ILL.

SEP 11 1906

SEP 11 1906

RECORD FORWARDED DEPARTMENT.

Choc R301

Hiram Thompson

R301

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the enrollment of Hiram Thompson as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A Hiram Thompson.
- Q How old are you? A Thirty-eight.
- Q You present here a license issued by Achison Mountubbee, Judge of the County Court of Pickens County, Chickasaw Nation, August 29th 1898, to marry Mary Ann Thompson,- I see Freeny has been scratched out, and Thompson written in a different hadn-writing,- who did that? A Well the fellow with me- we made a mistake, it was late in the evening, and next morning we noticed the mistake and Annotubby had me to change it.
- Q Who wrote it? A His son wrote it, filled the most of it out that evening, and then his son was away-
- Q Who wrote the other? A A fellow there with me.
- Q Was it done in his presence? A Yes sir.
- Q By his direction? A Yes sir.
- Q Were you ever married to this woman before? A Yes sir.
- Q When? A About five years ago.
- Q Where? A At Purdy, in the Chickasaw Nation, Pickens County.
- Q Under the United States law? A Yes sir.
- Q Were you separated or divorced from her? A No sir.
- Q This was a second marriage then? A Yes sir.
- Q Which one was a citizen, you or she? A She was I suppose.
- Q Was she admitted by the United States Court? A Yes sir.
- Q Where? A At South McAlester.
- Q What was her name? A Mary Ann Freeny.
- Q That is the way she was admitted? A No sir, she was admitted as Mary Ann Thompson.
- Q Has she been enrolled by the Commission? A I think so.

Hiram Thompson #2)

Q Where? A At Paul's Valley I believe.

Examined by Chiek Att'y Cornish:

Q What County do you live in in the Chickasaw Nation? A Pickens County; I came there from Texas about eighteen years ago. I have been living in Pickens County all the while for about eighteen years.

Examined by Com'r McKennon:

Q Did you make application to the Dawes Commission three years ago?
A No sir.

Examined by Cornish:

Q Is your wife admitted as a citizen by blood or intermarriage?
A Intermarriage.

Examined by Com'r McKennon:

Q She is a white woman? A Yes sir.

Q And you are a white man? A Yes sir, I reckon I am, I don't know what I am.

Q Were her children admitted? A I don't know.

Q Did you have any children by her? A Yes sir.

Q Were they admitted? A I couldn't tell you whether they was or not.

Q Don't know whether your children were in that judgment with her or not? A No sir, I do not.

Examined by Chas Com'r Lewis:

Q Who was she when you married her? A Freeny.

Q Was she a widow? A Yes sir.

Q A Choctaw's widow? A Yes sir.

Q What one of the Freeny's? A Andrew.

Q Where was it she came to the Commission? A At Calvin.

Examined by Com'r McKennon:

Q Your wife is a white woman, and this child of yours and hers is a white child? A Yes sir, it is named Willie E. Thompson.

Hiram Thompson #3)

Q It is enrolled here on a card with your wife, one month old, it is your child by her and it is a white child? A I presume so It was born after she was admitted to citizenship though.

Com'r McKennon: She is a white woman, and your enrollment will be refused.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
.....

I hereby certify upon my official oath as stenographer to above named Commission that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) M D Green

Lenora B. Ashton, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Lenora B. Ashton

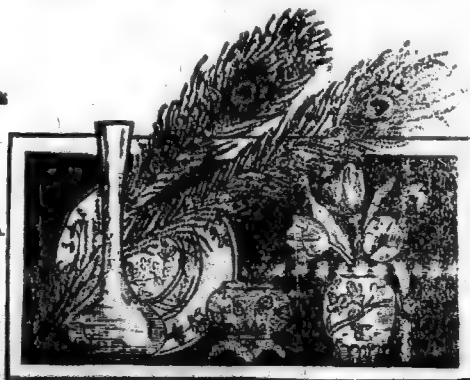
Subscribed and sworn to before me this 19th day of February, 1906.

Walter H. Chapman
Notary Public.

FILED
MAR - 5 1906
COMMISSION TO FIVE TRIBES

"V"

CHICKASAW
NATION



COUNTY OF
PICKENS.

To Any Judge of The County or District Court, Ordained Minister of The Gospel in and for Said County of Pickens,
GREETING: «»

You Are Authorized to Solemnize The
»» RITES OF MATRIMONY «»

BETWEEN MR. Hiram Thompson And MRS. Mary Ann Thompson

And make due Return to the clerk of the County Court within
Thirty Days thereafter certifying your action Under This License

Witness my Official Signature and Seal of Office, Pickens County Court-House, this
29th day of August 1897

By

DEPUTY

I, J. W. Price hereby certify that on 1st day of September
A. D. 1897, United in Marriage Hiram Thompson and Mary Ann Thompson
the parties above-named.

WITNESS my hand this 1st day of September 1897

Filed for Record 6 day of Sept 1897, Recorded 6 day of Sept 1897
J. W. Price a minister of the Gospel
Chas. Pratt Clerk.

7-R-301.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Hiram Thompson as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that in 1899 application was made to the Commission to the Five Civilized Tribes for the enrollment of Hiram Thompson as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his minor child, Willie E. Thompson, as a citizen of the Choctaw Nation. The application for the enrollment of Willie E. Thompson as a citizen of the Choctaw Nation, being differently classified, is not included in this decision.

It further appears from the record herein that said applicant claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage in 1899 to Mary Ann Thompson, a recognized and enrolled citizen by intermarriage of the Choctaw Nation, whose name appears as number 1365 upon a list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1903 (32 Stats., 641) of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior, March 14, 1905.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am, therefore, of the opinion that following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11582-1904), the application made for the enrollment of Hiram Thompson as a citizen by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

APR 23 1906

7-R-301.

COPY

Muskogee, Indian Territory, April 28, 1906.

Hiram Thompson,

Purdy, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamie Bixby*

Commissioner.

Registered.

Incl. 7-R-301.

7-R-301.

COPY

Muskogee, Indian Territory, April 28, 1906.

Charles von Weise,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for the enrollment of Hiram Thompson as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Registered.

Incl. 7-R-301.

7-R-301.

COPY

Muskogee, Indian Territory, April 28, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for the enrollment of Hiram Thompson as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Incl. 7-R-301.

COPY

Maskogee, Indian Territory, April 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Hiram Thompson as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, denying said application.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

2 Incl. 7-R-301.

Through the
Commissioner of Indian Affairs.

CRW

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D. 21242-1906
LPS

November 22, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 28, 1906, you transmitted the record in the matter of the application for the enrollment of Hiram Thompson as a citizen by inter marriage of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting October 23, 1906 (Land 38931), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan
First Assistant Secretary

Through the Commissioner
of Indian Affairs

1 inc and 2 to Ind.Of.

Refer in reply to the follow
Land
38931-1906

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington. October 23, 1906

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of January 28, 1905 (I.T.D.11582) this Office has the honor to submit a report from the Commissioner to the Five Civilized Tribes, dated April 28, 1906, transmitting the record relative to the application of Hiram Thompson as a citizen of the Chectaw Nation.

In 1899 application was made to the Commission for the enrollment of Hiram Thompson as a citizen by intermarriage and for the enrollment of his minor child, Willie E. Thompson, as a citizen of the Chectaw Nation.

On April 28, 1906, the Commissioner decided that Hiram Thompson the principal applicant, was not entitled to enrollment as a citizen by intermarriage of the Chectaw Nation and that as his son, Willie E. Thompson, was differently classified, the decision in his case was not included in this record.

The evidence shows that the applicant claims his right to enrollment as a citizen by intermarriage by virtue of his marriage in 1889 to Mary Ann Thompson, a recognized enrolled citizen by intermarriage of the Chectaw Nation who is identified as No. 1365 upon a list prepared by the Commission under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) of persons entitled to enrollment as citizens by intermarriage of the Chectaw Nation and approved by the Department on March 14, 1905.

It does not appear from the record that the applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court, or committee of the Choctaw Nation, or by the Commission, or by a decree of the U.S. Court of Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats.321).

Therefore in view of the Departmental letter above mentioned, of January 28, 1905 (I.T.D.11582) deciding the case of Emma McKenamin and interpreting Sec. 21 of the Act of Congress approved June 28, 1898 (30 Stats.,495) in which it is held that citizenship by intermarriage cannot be established by showing a marriage to an intermarried citizen the decision of the Commissioner is recommended for approval.

Very respectfully,

Acting Commissioner

HRD BHG

7-2-301

Muskogee, Indian Territory, December 6, 1906.

Hiram Thompson,

Purdy, Indian Territory,

Dear Sir:

You are hereby advised that on November 22, 1906, the Secretary of the Interior affirmed the decision of this office of April 28, 1906, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-R-301

Muskogee, Indian Territory, December 6, 1906.

Chas. von Weise,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that on November 22, 1906, the Secretary of the Interior affirmed the decision of this office of April 28, 1906, denying the application for the enrollment of Hiram Thompson as a citizen by intermarriage of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of November 22, 1906, above referred to.

Respectfully,

LM 4/6

Acting Commissioner.

7-2-301

Muskogee, Indian Territory, December 6, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on November 22, 1906, the Secretary of the Interior affirmed the decision of this office of April 28, 1906, denying the application for the enrollment of Hiram Thompson as a citizen by intermarriage of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of November 22, 1906, above referred to.

Respectfully,

LM 5/6

Acting Commissioner.

7-5081

Wankarem, Indian Territory, September 9, 1902.

Hiram Thompson,

Purdy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Chester Nation of Lee Wesley Thompson, infant son of Hiram and Mary Ann Thompson, born July 27, 1902, and the same being in proper form has been accepted and filed as evidence of the birth of said child.

Yours truly,

Acting Chairman.

7-R-301

Muskogee, Indian Territory, December 16, 1905.

Charles von Weise,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 12, 1905, asking the status of the application of Hiram Thompson for enrollment as an intermarried citizen of the Choctaw Nation; also Winnie and Wesley Thompson, children of Mary Ann Thompson, for whom application was made as citizens of the Choctaw Nation.

In reply to your letter you are advised that no action has yet been taken on the application for the enrollment of Hiram Thompson, Winnie R. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation, but when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner.

7-R-301

Muskogee, Indian Territory, January 27, 1906.

Mary A. Thompson,
Purdy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 11, 1906, in which you ask if the Secretary of the Interior has admitted your children Winey and Lee Wesley Thompson to citizenship.

In reply to your letter you are advised that it appears from the records of this office that application has been made for the enrollment of Hiram Thompson, husband of Mary Ann Thompson, as an intermarried citizen of the Choctaw Nation and for the enrollment of his children Winnie E. and Lee Wesley Thompson as citizens of the Choctaw Nation, but no action has yet been taken in this case.

You are further advised that a petition has been filed for the enrollment of your children Winnie E. and Lee Wesley Thompson as citizens of the Choctaw Nation under the ruling of the Department in the Mary Elizabeth Martin case and you will be advised of such action as is taken on said petition.

Respectfully,

Acting Commissioner.

K.L.M.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.24510-1906.

January 17, 1907.

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

August 10, 1906, you transmitted the record in the matter of the application for the enrollment of Winnie (or Willie) E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation, including your decision of the same date, adverse to the applicants.

Reporting December 6, 1906 (Land 69301), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Refer in reply to the following:

Land
69301-1906

(Copy-)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 6, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed herewith for Departmental consideration, report of Commissioner Bixby, dated August 10, 1906, together with the record, in the matter of the application of Winnie (or Willie) E. Thompson and Lee Wesley Thompson for enrollment as citizens of the Choctaw Nation.

The Commissioner reports that the census card record in his office shows that on September 8, 1899, application was made to the Commission for the enrollment of Winnie (or Willie) E. Thompson, and on September 9, 1902, written application was made for the enrollment of Lee Wesley Thompson, as above. In accordance with the regulations adopted by the Commissioner on January 2, 1906, there was filed on January 23, 1906, by Charles von Weise, of Ardmore, I.T., attorney for the petitioners, a petition verified by Hiram Thompson, and submitted in behalf of his minor children, Winnie E. and Lee Wesley Thompson, praying that they be enrolled as citizens of the Choctaw Nation.

An examination of the record herein shows that the applicants claim their right to enrollment by reason of being the children of Mary Ann Thompson, a white woman, whose name appears

as No. 1365 on a list prepared by the Commission, under the provisions of the Act of July 1, 1902, (32 Stat.L., 641) of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Department March 14, 1905, and Hiram Thompson, a white man, whose application for enrollment as a citizen by intermarriage was denied by the Commissioner on April 28, 1906.

On this state of the record, it is recommended that the application herein be denied, in accordance with the provisions of the Act of June 21, 1906, (34 Stat.L., 325) and Departmental ruling in the case of William Jesse Bacon (I.T.D. 8008-1905, 2548-1906).

Very respectfully,

AJW--SD

C. F. Larrabee
Acting Commissioner.

Choctaw Court Card C 76:

In Re. Application of Mary A. Thompson and others.

Sworn by Commissioner Needles:

Mary A. Thompson says:

I am 40. I am mother of Benjiman A. and Martha E. and Mary A. Freeny, and Winnie E. Thompson, all admitted by the U. S. Court at South McAlester, August 25th 1897, except Winnie E. born September 1st 1898.

I have lived in the Chickasaw Nation about 15 years. I lived in the Choctaw Nation about 7 or 8 years before I came to the Chickasaw Nation.

A. G. Freeny was the father of Benjiman A., Martha E. and Mary A. Freeny. He was a Choctaw citizen and recognized as such. I was married to him. He is dead. I am now wife of Hiram Thompson. I was married to him according to U. S. Law, 4 years ago on October 7th.

The names of my children, Benjiman A. and Martha Freeny appear in the decree as Benjiman Andrew Thompson and Martha Elizabeth Thompson. Thier right names are Freeny and not Thompson. These children as given by me are the identical persons admitted in the decree.

Paul's Valley, Sept. 15, 1898.

Mary A. Thompson,
Benjiman A. Freeny,
Martha E. Freeny,
Mary A. Freeny,
Winnie E. Thompson,

Enrolled.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. March 5, 1906.

In the matter of the application for the enrollment of
Hiram Thompson as a citizen by intermarriage of the Choctaw Nation.

HIRAM THOMPSON, being first duly sworn, testifies as follows:

By the Commissioner:

- Q. What is your name and age? A I am about 45 as near as I can make it; my name is Hiram Thompson.
- Q. Where do you live? A Close to Purdy in the Chickasaw Nation.
- Q. You have heretofore made application to be enrolled as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
- Q. You claim that right by reason of your marriage to Mary Ann Thompson? A Yes sir.
- Q. Is Mary Ann Thompson the only person through whom you claim rights as an intermarried citizen? A Yes sir.
- Q. Your wife is a white woman? A Yes sir.
- Q. And has been enrolled as an intermarried citizen of the Choctaw Nation? A Yes sir.
- Q. Are you a white man? A Yes sir.

By Mr. von Weise:

- Q. Were you ever placed on the tribal rolls of the Choctaw Nation? A No sir, I don't know that I was.
- Q. You were married under a tribal license issued by the Chickasaw Nation? A Choctaw.
- Q. It was Pickens County? A Chickasaw.
- Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she correctly reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this 8th day of March, 1906.

Myron White
Notary Public

IN RE

Application for Enrollment of

W INFANT CHILD

Lee Wesley Thompson

as a citizen of the

Cheetaw Nation.

Approved 190

Commissioner.

5
Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Sep. 9, 1902.
Tams Bixby, Acting Chairman.

6

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
 of Lee Wesley Thompson, born on the 29 day of July, 1902
(Here insert name of child.)
 Name of Father: Hiram Thompson, a citizen of the U. S. Nation.
 Name of Mother: Mary Ann Thompson, a citizen of the Choctaw Nation.
 Post-Office: Purdy Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Southern District. }

I, Mary Ann Thompson, on oath state that I am 44
 years of age and a citizen, by former marriage, of the Choctaw Nation;
 that I am the lawful wife of Hiram Thompson, who is a citizen, by
Birth, of the U. S. Nation, that a male child was
(Male or female.)
 born to me on the 29th day of July, 1902; that said child has been
 named Lee Wesley Thompson, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) { Eugene Horton
W. H. Graham

Mary Ann ^{her} Thompson
 mark

Subscribed and sworn to before me this 2nd day of Sep, 1902.

G. W. Gray

Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
 District. }

I, A. W. Coffield, a Physician, on oath state that I
 attended on Mrs. Mary Ann Thomspen, wife of Hiram Thompson,
 on the 29 day of July, 1902; that there was born to her on said
 date a male child; that said child is now living and is said to have been
(Male or female.)
 named Lee Wesley Thompson.

A. W. Coffield M. D.

WITNESSES TO MARK:

(Must be Two Witnesses.) {

Subscribed and sworn to before me this 5th day of Sep, 1902.

G. W. Gray

Notary Public.

(SEAL)

DEPARTMENT OF THE INTERIOR

Before the Commissioner to the Five Civilized Tribes.

In re, application of Hiram Thompson for the enrollment of his two minor children Winnie E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation.

P E T I T I O N.

Comes now Hiram Thompson, on behalf of his two minor children, Winnie W., and Lee Wesley Thompson, and alleges that they are entitled to be enrolled as citizens of the Choctaw Nation under and by virtue of the opinion of the Assistant Attorney General in the Mary Elizabeth Martin case (I.T.D. 11856-1904 & 3691-1905).

The allegations of the petitioner are:

1

The mother of said minor children, Mary Ann Thompson, is a duly enrolled citizen by intermarriage of the Choctaw Nation.

11

That by virtue of the marriage of the said Mary Ann Thompson, whose maiden name was Brown, to a recognized Choctaw by blood named Andrew Freeney under Choctaw law on September 8, 1886 she owed allegiance to the Choctaw Nation from said date and continues to owe such allegiance. That she owed such allegiance at the date of the birth of each of the above named children, and her allegiance became their allegiance by reason of their said birth.

111

That after the marriage relations ceased between the mother of the above minor children and her Choctaw husband, she contracted a valid marriage with this petitioner, having married him under a Chickasaw license on the 1st day of September 1899, and that as a result of said marriage the said minor children were born, and they are the legitimate issue of said marriage.

1V

That formal application was made for the enrollment of the child Winnie E. Thompson by this petitioner in September 1899, and that a birth affidavit was filed with the Commission to the Five Civilized Tribes as to Lee Wesley Thompson on September 9, 1902.

WHEREFORE, The premises considered, your petitioner prays that his said two children Winnie E. Thompson and Lee Wesley Thompson be enrolled as citizens of the Choctaw Nation.

Respectfully submitted,

Charles von Weise

Attorney for petitioner.

Indian Territory
Southern District

I, Hiram Thompson, upon my oath state that I am the identical party mentioned as the petitioner in the foregoing petition; that I have read the statements contained therein and that they are true.

Witness to mark:

W. T. Wilson
Tom Bull

Hiram x Thompson
Mary Ann x Thompson

Subscribed and sworn to before me this the 13 day of January, 1906.

Notary Public.

My Com Exp Jan 28 1907

C. P. Haggard.

Indian Territory
Southern District

APPLICATION OF Winnie E. Thompson et al

I, Charles von Weise, upon my oath state that I am of lawful age, that I delivered to the postmaster at Ardmore, I. T., a letter addressed to Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, at South McAlester, I. T., which letter contained a true and correct copy of the within and foregoing petition. In proof of the registration of said letter, and of the date of such registration I have hereto attached the registration receipt and make same a part of this affidavit.

(Registry Receipt Attached.)

Charles von Weise

Subscribed and sworn to before me this 20 day of January, 1906.

(SEAL)

F. M. Young, Notary Public.

My Com. Expr. May 6, 1909.

Indorsed:

Department of the Interior
Commissioner to the Five Civilized Tribes.
Filed Jan 23, 1906.
Tamm Bixby, Commissioner.

In re application for the
enrollment of Winnie E.
Thompson and Lee Wesley Thomp-
son as citizens of the Choctaw
Nation.

Petition.

Chas von Weise
Atty for petitioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. March 5, 1906.

In the matter of the application for the enrollment of Winnie E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 23, 1906, by Charles von Weise, of Ardmore, Indian Territory, the attorney for the petitioners, the petition of Hiram Thompson, as father and natural guardian of Winnie E. Thompson and Lee Wesley Thompson, praying for their enrollment as citizens of the Choctaw Nation, it being alleged in said petition that the applicants are the children of Mary Ann Thompson, an intermarried citizen of the Choctaw Nation, and Hiram Thompson, a noncitizen white man.

February 7, 1906, Hiram Thompson, Purdy, Indian Territory, Charles von Weise, the attorney for the petitioners, Ardmore, Indian Territory, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Monday, March 5, 1906, at 3 o'clock P. M., hear such testimony and receive such other evidence as might be presented by the petitioners in support of their application for enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Now on this 5th day of March, 1906, this case being called for hearing in conformity with the notices to the petitioners, their attorney and the attorneys for the Choctaw and Chickasaw Nations, the following appearances were entered and proceedings had:

APPEARANCES:

Hiram Thompson and Mary Ann Thompson, the parents of the minor petitioners.

Charles von Weise, attorney for petitioners, Ardmore, Indian Territory.

G. Rosenwinkel, of Mansfield, McMurray & Cornish, appearing on behalf of the Choctaw and Chickasaw Nations.

By Mr. Rosenwinkel:

We want to interpose the usual objection that we interpose in all these cases.

The Choctaw and Chickasaw Nations object to any proceedings in this case for the reason that the petitioners are not such persons as may share in the distribution of the tribal property of the Tribes, their names do not appear upon the tribal rolls within the meaning of the Act of May 31, 1900.

MARY ANN THOMPSON, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Mary Ann Thompson.
Q How old are you? A 46 or 47.
Q Where do you live? A On Rush Creek, four miles southwest of Purdy.
Q In the Chickasaw Nation? A Yes sir.
Q Are you ~~in~~ a citizen of either the Choctaw or Chickasaw Nation? A Choctaw.
Q Citizen by blood or intermarriage? A Intermarriage.
Q You are a white woman? A Yes sir.
Q Are you the mother of these two minor petitioners, Winnie E. Thompson and Lee Wesley Thompson? A Yes sir.
Q Who is the father of these two children? A Hiram Thompson.
Q Is he a white man? A Yes sir.
Q The children are white? A Yes sir.
Q They are possessed of no Choctaw or Chickasaw blood? A No sir.
Q When was Winnie E. Thompson born? A Last September first she was seven years old.
Q Is she still living? A Yes sir.
Q When was Lee Wesley born? A 29th of July, three years ago.
Q Have you ever made application for the enrollment of these children as citizens of the Choctaw Nation? A Yes sir.
Q When? A Been seven years ago last September, about the 15th, I made application for the little girl, Winnie E. Thompson, at Pauls Valley.
Q When did you apply for the child, Lee Wesley? A I don't remember; he was a month or two old.
Q When was he born? A the 29th of July.
Q What year? A He will be four years old next July.

The witness is identified upon the records of this office on Choctaw roll card field No. 5878 and opposite No. 1365 upon the final roll of the citizens by intermarriage of the Choctaw Nation. It also appears from the records of the Commission to the Five Civilized Tribes that formal application was made for the enrollment of the petitioners, Winnie E. Thompson and Lee Wesley Thompson within the time prescribed by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

By Mr. von Weise:

- Q Who is your husband at present? A Hiram Thompson.
Q Is he the father of the two children? A Yes sir.
Q Are you legally married to him? A Yes sir.
Q Under what kind of license? A Choctaw license.
~~Q Are you legally married to him?~~
Q Was your case adjudicated by the Choctaw and Citizenship Court? A Yes sir.
Q I will ask you to examine that document? A I can't read writing.

- Q This purports to be a certificate of the birth of Lee Wesley Thompson? A Yes sir.
- Q Did you make a certificate of birth and swear to it before a notary? A Yes sir.
- Q What was his name? A Gray.
- Q Where were these children born? A Four miles southwest of Purdy.
- Q In the Chickasaw Nation? A Yes sir.
- Q Always resided there? A Yes sir.

The petitioners offer in evidence a certificate of the birth of Lee Wesley Thompson, filed in the jacket of Hiram Thompson, et al., Choctaw R-301, and ask that the same be copied and made a part of the record.

By the Commissioner:

That is already a part of the record.

By Mr. Rosenwinkel:

- Q These minor children were not before the citizenship court?
A Yes sir, the little girl was.
- Q You were admitted by the Choctaw and Chickasaw Citizenship Court?
A Yes sir.
- Q These minor petitioners, Winnie E. and Lee Wesley, were not before the Citizenship Court? A I think the little girl was.

We suggest that the records of the Citizenship Court would be the best evidence of whether they were before the said Court or not.

We would like to know if this is to be construed as an application for Hiram Thompson?

By the Commissioner:

There is none made.

Witness excused.

HIRAM THOMPSON, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Hiram Thompson.
- Q Your age? A About 45.
- Q What's your postoffice address? A Purdy.
- Q Are you the father of these minor petitioners, Winnie E. Thompson and Lee Wesley Thompson? A Yes sir.
- Q You are a white man? A Yes sir.

By Mr. von Weise:

- Q You are lawfully married to your wife, Mary Ann Thompson? A Yes sir, I think so.
- Q This purports to be a certificate of marriage issued by the clerk of Pickens County, Chickasaw Nation, the 29th of August, 1899,

authorizing the marriage of yourself and Mary Ann Freeney, and also the certificate of J. W. Price, a minister of the gospel, certifying that he married you and said Mary Ann Freeney the 1st of September, 1899. Do you remember securing the license from the Chickasaw authorities? A Yes sir.

Q Do you recall at this time the minister that married you? A Yes sir.

Q What was his name? A Price.

We offer in evidence the license and certificate above referred to and ask that same be made a part of the record.

By the Commissioner:

The license and certificate of marriage of Hiram Thompson and Mary Ann Thompson will be filed, marked Exhibit "A" and made a part of the record in this case.

By Mr. von Weise:

Where were these children born? A Near Purdy.

Q In the Chickasaw Nation? A Yes sir.

Q And resided there all their lives? A Yes sir.

Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she correctly reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this 25th day of March, 1906.

Myron White
Notary Public.

7-R-301.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Winnie (or Willie) E. Thompson, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that on September 8, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Winnie (or Willie) E. Thompson as a citizen of the Choctaw Nation. On September 9, 1902, written application was made to said Commission for the enrollment of Lee Wesley Thompson as a citizen of said nation.

It further appears from the record herein that under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on January 23, 1906, by Charles von Weise of Ardmore, Indian Territory, attorney for the petitioners, a petition verified by Hiram Thompson, and submitted in behalf of his minor children, Winnie E. and Lee Wesley Thompson, praying that they be enrolled as citizens of the Choctaw Nation.

It appears from the record herein that the applicants claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of Mary Ann Thompson, a white woman, whose name appears as No. 1365 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior March 14, 1905, and Hiram Thompson, a white man, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was denied by the Commissioner to the Five Civilized Tribes on April 28, 1906.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Winnie (or Willie) E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Muskogee, Indian Territory,



Commissioner.

AUG 10 1906

7-B-301

Muskogee, Indian Territory, August 10, 1906.

Mary A. Thompson,

Purdy, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of Winnie (or Willie) E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tame Bixby

Commissioner.

Registered.

Incl. 7-B-301.

7-R-301

Muskogee, Indian Territory, August 10, 1906.

Charles von Weise,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of Winnie (or Willie) E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tame Dixby

Registered.

Commissioner.

Incl. 7-R-301.

7-R-301.

Muskogee, Indian Territory, August 10, 1906.

Manefield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of Winnie (or Willie) E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

James Bixby

Commissioner.

Incl. 7-R-301

Muskogee, Indian Territory, August 10, 1906.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application and petition for the enrollment of Winnie (or Willie) E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated August 10, 1906, denying said application and petition.

Respectfully,

Tammie Dickson
Commissioner.

2 Incl. 7-R-301

Through the
Commissioner of Indian Affairs.

K.L.M.

DEPARTMENT OF THE INTERIOR, ILL
WASHINGTON.

I.T.D. 24510-1906.

January 17, 1907.

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

August 10, 1906, you transmitted the record in the matter of the application for the enrollment of Winnie (or Willie) E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation, including your decision of the same date, adverse to the applicants.

Reporting December 6, 1906 (Land 69301), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Theo. Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Refer in reply to the following:

Land
69301-1906

(Copy-)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 6, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed herewith for Departmental consideration, report of Commissioner Bixby, dated August 10, 1906, together with the record, in the matter of the application of Winnie (or Willie) E. Thompson and Lee Wesley Thompson for enrollment as citizens of the Choctaw Nation.

The Commissioner reports that the census card record in his office shows that on September 8, 1899, application was made to the Commission for the enrollment of Winnie (or Willie) E. Thompson, and on September 9, 1902, written application was made for the enrollment of Lee Wesley Thompson, as above. In accordance with the regulations adopted by the Commissioner on January 2, 1906, there was filed on January 23, 1906, by Charles von Weise, of Ardmore, I.T., attorney for the petitioners, a petition verified by Hiram Thompson, and submitted in behalf of his minor children, Winnie E. and Lee Wesley Thompson, praying that they be enrolled as citizens of the Choctaw Nation.

An examination of the record herein shows that the applicants claim their right to enrollment by reason of being the children of Mary Ann Thompson, a white woman, whose name appears

as No. 1365 on a list prepared by the Commission, under the provisions of the Act of July 1, 1902, (32 Stat.L., 641) of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Department March 14, 1905, and Hiram Thompson, a white man, whose application for enrollment as a citizen by intermarriage was denied by the Commissioner on April 28, 1906.

On this state of the record, it is recommended that the application herein be denied, in accordance with the provisions of the Act of June 21, 1906, (34 Stat.L., 325) and Departmental ruling in the case of William Jesse Bacon (I.T.D. 8008-1905, 2548-1906).

Very respectfully,

AJW--SD

C. F. Larrabee
Acting Commissioner.

7-R-301
V- 44

Muskogee, Indian Territory, February 1, 1907.

Mary A. Thompson,

Purdy, Indian Territory.

Dear Madam:

You are hereby notified that on January 17, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes dated August 10, 1906, denying the application and petition for the enrollment of Winnie (or Willie) E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-301

V-44

Muskogee, Indian Territory, February 1, 1907.

Charles von Weise,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on January 17, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes dated August 10, 1906, denying the application and petition for the enrollment of Winnie (or Willie) E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-301

W-44

Muskogee, Indian Territory, February 1, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on January 17, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes dated August 10, 1906, denying the application and petition for the enrollment of Winnie (or Willie) E. Thompson and Lee Wesley Thompson as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

Choctaw Court Card C 76:

In Re. Application of Mary A. Thompson and others.

Sworn by Commissioner Needles:

Mary A. Thompson says:

I am 40. I am mother of Benjamin A. and Martha E. and Mary A. Freeny, and Winnie E. Thompson, all admitted by the U. S. Court at South McAlester, August 25th 1897, except Winnie E. born September 1st 1898.

I have lived in the Chickasaw Nation about 15 years. I lived in the Choctaw Nation about 7 or 8 years before I came to the Chickasaw Nation.

A. G. Freeny was the father of Benjamin A., Martha E. and Mary A. Freeny. He was a Choctaw citizen and recognized as such. I was married to him. He is dead. I am now wife of Hiram Thompson. I was married to him according to U. S. Law, 4 years ago on October 7th.

The names of my children, Benjamin A. and Martha Freeny appear in the decree as Benjamin Andrew Thompson and Martha Elizabeth Thompson. Their right names are Freeny and not Thompson. These children as given by me are the identical persons admitted in the decree.

Paul's Valley, Sept. 15, 1898.

Mary A. Thompson,
Benjamin A. Freeny,
Martha E. Freeny,
Mary A. Freeny,
Winnie E. Thompson,

Enrolled.

Lenora B. Ashton, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 19th day of February, 1906.

Lenora B. Ashton
Walter H. Thayer
Notary Public.

CHICKAW
Laram Thompson et al

REFUSED

DECISION RENDERED

DECISION FORWARD
ATTORNEY FOR CHICKAW AND
CHICKAW NATAINS

PR 28 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

APR 28 1906

COPY OF DECISION FORWARDED
APPLICANT

APR 28

RECORD FORWARDED DEPARTMENT

APR 28 1906

DECISION RENDERED

DECISION FORWARD
ATTORNEY FOR CHICKAW AND
CHICKAW NATAINS

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

AUG 10 1906

COPY OF DECISION FORWARDED
APPLICANT

AUG 10 1906

RECORD FORWARDED DEPARTMENT

AUG 10 1906

R 302

Catherine Thompson.

179.

R 303

Virginia Thuman

FOR IDENTIFICATION AS
A MISSOURI FUGITIVE

REFER TO M. C. R. #63

R 304

CHOCOTAW.

Milo F. Tidwell

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCOTAW.

REFER TO M. C. R. # 30.

Choc. R. 305

Sarah Caroline Townsend

R. 305

R-302
303

In the matter of the application of
Sarah ^{Caroline} ~~Caroline~~ Townsend for enroll-
ment as a citizen by blood of the
Choctaw Nation.

in the event of the application of
said citizen to send for enrollment
as a citizen by blood of the
Choctaw Nation.

REFUSED MAY -9 1902
REFUSED MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT.
MAY -9 1902

DECISION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL JUN 23 1902
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW JUN 23 1902
AND CHICKASAW NATIONS.

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the application of Sarah C. Townsend as a Choctaw; being
sworn and examined by Com'r McKennon she testifies as follows:

- Q What is your name? A Sarah C. Townsend.
- Q How old are you? A Fifty-nine.
- Q You are not on the Choctaw rolls, and never have been?
- A Not that I know of.
- Q Your father and mother are not on the rolls? A I don't know
sir; my father has been dead since I was seven years old; he died
in Holly Springs, Mississippi.
- Q Where have you been living? A In Texas thirty-nine years.
- Q When did you come to the Territory? A Last November.
- Q Never lived here before? A No sir.
- Q What degree of blood do you claim? A My mother always said
Choctaw.
- Q How much blood do you claim? A I understand she was a
quarteroon, and I am next to it I reckon.
- Q Your father was a white man? A German.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes,
Atoka, I. T., June 5/1906.
Choctaw R 305.

In the matter of the application of Sarah Caroline Townsend for enrollment as a citizen of the Choctaw Nation; being sworn and examined by Commissioner Bixby she testifies as follows:

Q Are you applying as a Choctaw or a Chickasaw? A Choctaw.
Q By blood? A Yes sir.
Q Applying by yourself alone? A I have three children.
Q What is your name? A Sarah Caroline Townsend.
Q What is your age? A Sixty.
Q What is your post-office address? A Coalgate.
Q Do you live at Coalgate? A Yes sir.
Q Are you a Choctaw? A I am taught that way by my parents.
Q You make application at this time as a Choctaw by blood?
A Yes sir.
Q What is the name of your father? A William Crossen.
Q Was he on the Choctaw rolls when he was alive? A No sir.
Q What is the name of your mother? A Frances E. Olliver.
Q Is she living? A No sir.
Q Was her name on the Choctaw rolls? A Not that I know of.
Q Do you know what county she claimed to belong to? A Mississippi.
Q To what county in the Choctaw Nation do you claim to belong?
A This county here, Atoka.
Q Did you ever apply to the Dawes Commission? A I went before the Dawes Commission and they wouldn't testify me, - they wouldn't question me in the first place.
Q How long have you lived in the Indian Territory? A Little over two years.
Q Do you remember the exact date on which you came to the Indian Territory? A No sir, I think it was November 1st.
Q Of what year? A I cannot tell you the date because I have no education.
Q Was it last November? A No sir, it was last November was two years ago.
Q That would be November 1894 would it not? A Well I think so.
Q What is your best recollection? A Two years ago last November, on the first.
Q Was it 1894 or 1895? A I can't tell you.
Q Why do you think it is two years ago? A Because I know it.
Q You know that, but you don't know what year it was? A No sir, I don't know, I don't know any figures.
Q Have you been outside of the Indian Territory within the last two years? A No sir I have not.
Q Did you ever apply to the Choctaw Tribal authorities for citizenship? In the Choctaw Nation? A No sir.
Q Did you apply to the Dawes Commission in 1896 for citizenship in the Choctaw Nation? A No sir.
Q You did appear before this Commission in 1899? A Yes sir last year.
Q At South McAlester? A Yes sir.
Q Where did you live prior to your coming to the Choctaw Nation? A Texas.
Q How long did you live there? A Ever since - was sixteen years old.
Q About forty years? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A One eighth, my mother was a quarteroon.
Q Are you married? A Yes sir, my husband is dead, I am a widow.
Q You say your mother was a quarteroon? A Yes sir, of the Mississippi Choctaws.

Sarah Caroline Townsend (#2)

Q Have you any children under twenty-one years of age and unmarried?

A No sir.

Q Is there any additional statement in regard to your case that you desire to make at this time? A Yes sir, appeal it to a higher court.

Q But you don't care to make any other statement at this time?

A Well I have told you all I know except how come me by my Indian; that was through my mother's side, my great grandfather was named William Hood, my great grandmother was C. Morosier was her maiden name.

Com'r Bixby: You will be permitted to file any additional evidence in the form of statements or affidavits or other proper papers which you desire to present. All this testimony and all testimony which you gave before the Commission in 1899 at South McAlester will be forwarded to the Secretary of the Interior for his examination when the rolls are sent to him for his final approval. Your application is refused, for the reason that your name does not appear to be on the rolls of the Choctaw Nation now in our possession, for the additional reason that you have never been admitted by the Choctaw authorities or by the Dawes Commission in 1896 or by the United States Court in the Indian Territory, and for the additional reason that it appears from the record in this case that you had not removed to and in good faith become a resident of the Nation in which you claim citizenship prior to June 28th 1898.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7 day of June, 1900.


Act'g Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---: DECISION :---

In the matter of the application of Sarah Caroline Townsend for enrollment as a citizen by blood of the Cherokee Nation.

---: DECISION :---

The record in this case shows that the applicant, Sarah Caroline Townsend, appeared before the Commission at Muskogee, Indian Territory, at its session beginning September 6, 1899, and ending September 13, 1899, and then and there made personal application for enrollment as a citizen by blood of the Cherokee Nation, and that thereafter, on June 5, 1900, the said applicant again appeared before the Commission at Atoka, Indian Territory, and then and there offered additional testimony in support of her said application.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Cherokee Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Cherokee Nation, nor does her name appear upon any of the tribal rolls of the Cherokee Nation.

(2).

the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 19th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stats., 495) provides:

(3).

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee, eliminating from the tribal rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Sarah Caroline Townsend is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskegee, Indian Territory,

MAY -9 1902

Chester B-308.

COPY.

Muskogee, Indian Territory, May 9, 1908.

Sarah O. Townsend,
Ocalgate, Indian Territory.

Dear Madame:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chester Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 enclosure.
Chester B-308.
Registered.

Chester B-303.

COPY.

Muskogee, Indian Territory, May 9, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Chester and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah C. Townsend as a citizen of the Chester Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

I. B. Needles

Commissioner in Charge.

1 enclosure.

Chester B-303.

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Sarah C. Townsend for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Sarah C. Townsend as a citizen of said nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 enclosure.
Choctaw R-305.

Through the Commissioner
of Indian Affairs.

COPY

Land.
29,240-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, June 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the application of Sarah C. Townsend for enrollemnt as a Choctaw citizen.

The application was refused by the Commission.

From the record it appears that the applicant was never enrolled, admitted or recognized as a Choctaw citizen and she does not claim as a Mississippi Choctaw.

The Commission therefore has no authority to enroll said applicant under the provisions of the Act of Congress approved May 31, 1900.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

(E.S.S.) P.

A. C. Tonner,
Acting Commissioner

COPY.

10028

34092

DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D.3507-1902.

June 9, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

May 9, 1902, you transmitted the record in matter of the application for enrollment of Sarah C. Townsend as a citizen of the Choctaw Nation. You refused the application for the reason that applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

E.M.D.

COPY.

Choo, N. 306

McKogee, Indian Territory June 23, 1902.

Sarah O. Townsend,

Coalgate, Indian Territory.

Dear Madam:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

F. B. Needles.

Commissioner in Charge.

COPY.

Choc. ,R, 308.

Muskogee, Indian Territory June 26, 1902.

Messrs. Mansfield, McKurray & Garnish,
Attorneys, for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior,
under date of June 9, 1902, affirmed the decision of the Commission,
dated May 9, 1902, refusing the application made by Sarah C. Towne
and for the enrollment of herself as a citizen of the Choctaw
Nation.

Yours truly,

T. B. Needles.

(SIGNED)

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS E. HEDGES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-305

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1902.

In the matter of the application of
Sarah C. Townsend for the enrollment
herself as a citizen by blood of the
Choctaw Nation.

To Sarah C. Townsend,

Coalgate, Indian Territory

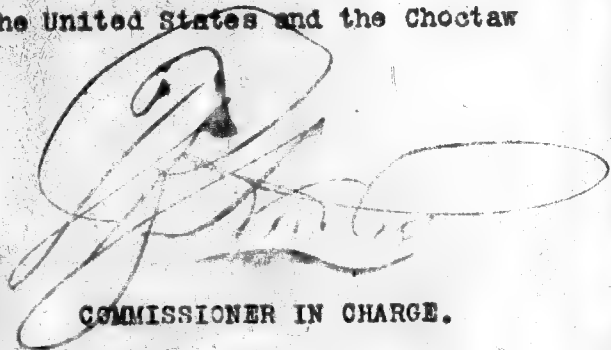
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under
the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

S. C. T., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the printed title.

COMMISSIONER IN CHARGE.

Register.

7-R-208

Muskogee, Indian Territory, March 29, 1906.

W. H. McCoy,

Harlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 23, 1906, asking the status of your enrollment.

In reply to your letter you are informed that the Commission has not yet passed upon your application for the enrollment of yourself, your wife Mary G. McCoy, and your four children as citizens of the Choctaw Nation. When a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

MEMORANDA.

60 Name *Esau Sarah C. Townsend* (Date) *June 5 1900*

Choctaw? *yo* County Year No.

Chickasaw? County Year Page

Citizen by blood? *77* Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

R. J. J. J. J.

287. Reg.
287



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2161

1038

~~Sarah C. Townsend,~~

~~Coalgate,~~

~~Indian Territory.~~

unclaimed

Return to Writer

Robbie, William and
Marie Travis -
vs.

Choctaw Nation.

Record transferred to
Choctaw card # 3666.

Margaret L. Prannell,
et al

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

REFER TO M. C. R. #2.

also see.

Choctaw cards R^{*}340,

R^{*}737 and R^{*}746

Choc. R. 308

Mary J. Traver

R. 308

In the matter of the application of Mary
J. Traver, etal; for Enrollment as
citizens by blood of the Choctaw Nation.

**In the matter of the application
of Mary J. Traver, et al., for enroll-
ment as citizens by blood of the
Choctaw Nation.**

REFUSED MAY -9 1902

**COPY OF DECISION FORWARDED
APPLICANT** MAY -9 1902

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.** MAY -9 1902

RECORD FORWARDED DEPARTMENT;
MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.** JUN 23 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.** JUN 23 1902

Commission to the Five Civilized Tribes,
South Canadian, Indian Terr.

In the application of Mary J. Traver for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Mary J. Traver.

Q How old are you? A Fifty-one.

Q Where were you born? A In Sugar leaf county, Choctaw Nation.

Q Have ever you been admitted by the Choctaw Council? A Not as I know of.

Q Have ever you been on the Choctaw rolls? A I don't know as I have.

Q You have not been admitted by the Dawes Commission or by the Courts have you? A No sir.

Q You have never then been enrolled upon the Choctaw rolls?
A Not as I know of.

Q Have your father and mother ever lived here? A Yes sir.

Q When did your father die? A He died ten years ago.

Q Was he on the rolls as a Choctaw citizen? A Yes sir.

Q How do you know that? A I know it because he told me so before he died.

Q What was his name? A Bill Turner.

Q Was your mother on the rolls also? A Yes sir.

Q Was she a white woman? A No sir, she was a Choctaw.

Q And your father was a Choctaw? A Yes sir.

Q And you say they were on the rolls? A Yes sir.

Q Can you tell why it is you were never enrolled? A I don't know what was the reason I never was enrolled.

Com'r McKennon: As you have never been enrolled and are not on the rolls the Commission has no authority to put you on the rolls, and will therefore refuse to enroll you.

Mary J. Traver #2)

Com'r McKennon:

The rolls are examined for the names of Mary J. Turner and Mary J. Fry and no such names were found upon the rolls; also examined for the named of Mary J. Cole, and the name of Mary J. Cole is found, and she is the wife of Morgan Cole, couldnot therefore be applicant. The applicant was in the hospital in Sedalia, Missouri during the year 1896, and was there for nearly three years.

Examined further by Com'r McKennon:

Q How much Choctaw were your parents? A My father and mother were both half-breeds.

Q You went from Sedalia Missouri just after he drew the leased District money did you? A It was the last payment that he drew; he said I went up there before the enrollment.

Q And you returned the spring after he drew his money? A Yesat (This statement is made after further consideration.)

Q Have you been living here now ever since you returned home?

A Yes sir.

Q You have a child? A Yes sir, I have two.

Q What are their names? A One is Mary Cole.

Q Was her father a white man? A Yes sir.

Q What is its age? A She is twenty-one.

Q What is the other one? A Eddie Fry.

Q That is a child of this Choctaw man? A Yes sir.

Q Were you lawfully married to him? A Yes sir, I guess I was; we was married in the Creek Nation; I had the record of our marriage, but it was burned with our house.

(The 1896 roll is examined for Eddie Fry, but he is not found.)

Q Did you live with your husband, Elijah Fry until his death?

A No sir, I separated from him.

Mary J. Traver #3)

Q How long before his death? A About six months before he died.

Q Were you divorced from him or he from you? A Yes sir, he got a divorce from me.

Q Did he marry another woman? A If he did I don't know it.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---: DECISION :---

In the matter of the application of Mary J. Traver for the enrollment of herself and her minor children, Mary Cole and Eddie Wy, as citizens by blood of the Cheate Nation.

---: DECISION :---

The record in this case shows that the applicant, Mary J. Traver, appeared before the Commission at South McAlester, Indian Territory, at its session beginning September 14, and ending September 16, 1899, and then and there made personal application for the enrollment of herself and her minor children, Mary Cole and Eddie Wy as citizens by blood of the Cheate Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Cheate Nation in the possession of the Commission, that the applicants have never been enrolled as citizens of the Cheate Nation, nor do their names appear upon any of the tribal rolls of the Cheate Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Cheate citizenship by the legally constituted authorities of the said Nation.

(2).

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that these applicants have never been admitted to citizenship in the Chectaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicants might have as Mississippi Chectaws under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stats., 496) as follows:

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant was, on the 19th day of February, 1903, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right for herself and her minor children to identification as Mississippi Chectaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

The act of Congress of June 23, 1898, (30 Stats., 496) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and those

(3)



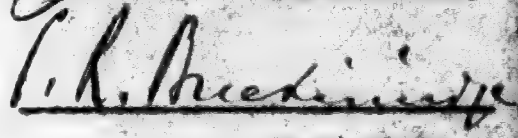
descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Mary J. Traver, Mary Cole and Eddie Fry are not lawfully entitled to be enrolled as members of the Choctaw Tribe of Indians in Indian Territory, and that their application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

C. R. Bucklin
Commissioner.

Muskogee, Indian Territory,

MAY -9 1902

Chectaw R 308

COPY.

Muskogee, Indian Territory, May 9, 1902.

Mary J. Traver,

Canadian, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your two minor children, Mary Cole and Edie Fry as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Enc Y-1

Register.

COPY.

Muskogee, Indian Territory, May 9, 1902.

Messrs Mansfield, McKurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary J. Traver, Mary Cole and Eddie Fry as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

Enc Y 2

COPY

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Mary J. Traver for the enrollment of herself and her two minor children, Mary Cole and Eddie Fry as citizens of the Chectaw Nation, including the decision of the Commission, dated May 9, 1902, refusing the application for the enrollment of Mary J. Traver, Mary Cole and Eddie Fry as citizens of said nation.

Respectfully,

(SIGNED)

I. B. Needles,

Commissioner in Charge.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY

Refer in reply to
the following:
Land.
29240-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, for Departmental consideration, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Mary J. Traver, for the enrollment of herself, and her children Mary Cole and Eddie Fry, as citizens of the Choctaw Nation.

The testimony of Mary J. Traver is to the effect that she is 51 years of age; that her parents were both Choctaw half-breeds; that neither she nor her children were ever enrolled or ever made application for enrollment as Choctaw citizens.

The decision of the Commission is to the effect that as the names of the applicants do not appear on any of the Choctaw rolls the Commission had no authority to enroll them.

The applicants do not claim as Mississippi Choctaws. It is the opinion of this office that the provisions of the Act of Congress approved May 31, 1900 (31 Stats., 211), applies to the

applicants herein and that as none of the applicants have ever been enrolled, admitted or recognized as Choctaw citizens the Commission was without authority to enroll them.

I, therefore, respectfully recommend that the decision of the Commission be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

E. S. S.

L.

COPY

D. C. No. 10010-1902.

34084

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.3887-1902.

June 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the application for enrollment of Mary J. Traver and her children, Mary Cole and Eddie Fry, as citizens of the Choctaw Nation, which you rejected because they have never been enrolled or admitted to Choctaw citizenship. A copy of the Acting Commissioner of Indian Affairs' letter of May 23, recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

E MD

1 inclosure.

COPY.

Chec. B 308

Muskogee, Indian Territory, June 23, 1902.

Mary J. Traver,

Canadian, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself and your children, Mary Cole and Eddie Fry, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED).

I. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, June 23, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Mary J. Traver for the enrollment of herself and her children, Mary Cole and Eddie Fry, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIZBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-003

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-308

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1903

In the matter of the application of
Mary J. Traver for the enrollment of
herself and her two children, Mary
Cole and Eddie Fry as citizens by
blood of the Choctaw Nation.

To Mary J. Traver,

Canadian, Indian Territory.

You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you and your children are entitled to be identified as Mississippi
Choctaws under the act of Congress of June 28, 1898, which pro-
vides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

M. J. T., 2.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you and your children are descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

UNCLAIMED
Return to Writer



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

7403

Reg No 55/
53

Mary J. Traver,
Canadian
J. J.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2164

Mary J. Traver,

Canadian,

Indian Territory.

Reg. No 69/69

Choc. R. 309

Robert C. Turner

R. 309

In the matter of the application for the enrollment of Robert C. Turner and his minor child, Leler Rean Turner, as citizens by blood of the Choctaw Nation.

NOTICE
In the matter of the application for
the enrollment of Robert C. Turner and
his minor child, Isler Ross Turner, as
citizens by blood of the Choctaw Nation.

REFUSED. 7R 309

MAY 19 1902

COPY OF DECISION FORWARDED
APPLICANT

MAY 19 1902

MAY 19 1902

COPY OF DECISION FORWARDED TO AGENT MAY 19 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Robert C. Turner as a Choctaw, being sworn and examined by Com'r McKennon he states:

Q What is your name? A Robert C. Turner.

Q How old are you? A Twenty-nine.

Q Have ever you been on the Choctaw rolls? A Never have been.

Q Are you intermarried? A No sir.

Q Are your father and mother upon the rolls? A I don't know whether my father is or not, my mother is, but she is a white woman, intermarried.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer, to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Lee

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. July 25, 1901.

In the Matter of the application for enrollment as citizens
of the Choctaw Nation of R. C. Turner and his minor child.

Robert C. Turner being first duly sworn by Commissioner Breckinridge
testified as follows:

Examination by the Commission:

This applicant in August 1899 at Atoka Indian
Territory made personal application to the
Commission for enrollment as a citizen of
the Choctaw Nation and was at that hearing
refused enrollment for the reason that his
name was not found upon any of the tribal
rolls of the Choctaw Nation.

- Q What is your name? A Robert C. Turner.
Q How old are you? A 33 years old.
Q What is your post office address? A Owl.
Q Is that in the Indian Territory? A Yes sir.
Q What Nation? A Choctaw.
Q How long have you lived in the Choctaw Nation? A Four years.
Q Were you born in the Indian Territory? A Yes sir.
Q Always lived here? A Yes sir.
Q What is your father's name? A John Turner.
Q Is he living? A No sir.
Q What is your mother's name? A Nancy Mortalia Turner.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A
My father.
Q How long has your father been dead? A Ever since '73.
Q Are you married? A Yes sir.
Q Are you making any claim for your wife? A No sir.
Q Have you any children? A Yes sir.
Q How many? A One.
Q What is the name of the child and it's age? A Leler Ream Turner.
Q How old is it? A Eight years old.
Q Who is the mother of this child? A Lela Webb Turner.
Q Is she a white woman? A Yes sir.
Q Where did you marry her? A In the Chickasaw nation.
Q Did you marry her under Choctaw and Chickasaw license? A Under the
United States law.
Q Did you get a license in the United States Court? A Yes sir.
Q Are you making application for the enrollment of yourself and child
as citizens by blood of the Choctaw Nation? A Yes sir.
Q Have you ever been enrolled by the Choctaw tribal authorities as a
citizen of the Choctaw Nation? A No sir.

The tribal rolls of the Choctaw Nation in the
possession of the Commission have been carefully
examined and the name of this applicant does not

appear thereon.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities? A Not according to my writings.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities? A Yes always - all my life been recognized.

Q Have you ever been admitted by any act of the Choctaw council to citizenship in the Choctaw Nation? A No sir.

Q Did you ever apply to the Choctaw tribal authorities for admission to citizenship in the Choctaw Nation? A No sir.

Q In 1896 under the Act of Congress of June 10, 1896 did you make application to this Commission for enrollment as a citizen of the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States court in the Indian Territory? A No sir.

Q What are your rights to citizenship? A Nothing only what I understand that my brother's on the roll.

Q How did your brother get on the roll? A By the United States Court; the way I understand it.

Q What is your brother's name? A Frank -- J. F. or Frank Turner either one.

Under the act of Congress of June 10, 1896 there was filed with this Commission and there appears of record on 1896 citizenship docket "C" page 240 Choctaw case 295 the original application of J. F. Turner et al vs the Choctaw Nation; the original petition filed September 7, 1896; the answer of the Choctaw Nation filed thereto; on December 2, 1896 the Commission admitted to citizenship in the Choctaw Nation John Franklin Turner, Katy Turner his wife, Martin Franklin and Myrtle L. Turner their children, Albert Turner, Walter Percer Wiley Percer and Indrany Percer. From this decision of the Commission the Choctaw Nation appealed as to the admission of J. F. Turner to the United States Court for the Central District of the Indian Territory and that court on October 2, 1897 confirmed the decision of this Commission and admitted J. F. Turner to citizenship in the Choctaw Nation.

Q Were you a party to the original application made by J. F. Turner to this Commission under the act of Congress of June 10, 1896 for citizenship in the Choctaw Nation? A No sir.

The original petition in the case of J. F. Turner vs the Choctaw Nation is on file with the records of this office and it does not appear that this applicant Robert S. Turner was a party to such original application filed under the act of Congress of June 10, 1896.

Q Is there any additional statement you want to make? A No sir.

Clara Mitchell Wood being first duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 25th day of July, A. D. 1901 and that the above and foregoing is a full, true and correct transcript of her stenographic notes taken in said cause on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this the 25th day of July, A. D. 1901.

John E. Fisher
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert C. Turner for the enrollment of himself and his minor child, Leler Rean Turner, as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

The record in this case shows that Robert C. Turner appeared before the Commission at Atoka, Indian Territory, at its session beginning December 4, 1899, and ending December 6, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation, and thereafter, on July 25, 1901, the principal applicant, Robert C. Turner, again appeared before the Commission, at its office in Muskogee, Indian Territory, and then and there made personal application for the enrollment of himself and his minor child, Leler Rean Turner, as citizens by blood of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicants have never been enrolled as citizens of the Choctaw Nation, nor do

(2).

their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that these applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the twenty-first section of the act of June 23, 1896, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant was, on the 19th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right for himself and his minor child to identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

The act of Congress of June 23, 1896, (30 Stats., 495) provides:

(3).


"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokees), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 232), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior:"

It is, therefore, the opinion of this Commission that Robert C. Turner and Leler Rean Turner are not lawfully entitled to be enrolled as members of the Choctaw Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskegee, Indian Territory.

MAY 19 1902

7-2-309

COPY

McKee, Indian Territory, May 19, 1902.

Robert C. Turner,
Owl, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor child, Lela Reed Turner, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

W. H. H. H.

Acting Chairman.

A. H. H. H.
Registered.

7-2-309

COPY

Muskogee, Indian Territory, May 19, 1908.

Hamfield, McEurray & Carnish,

Attorneys for the Cheate and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Robert C. Turner for the enrollment of himself and his minor child, Inez Dean Turner, as citizens of the Cheate Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

Acting Chairman.

1 inclosure.

7-2-309

COPY

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Robert C. Turner for the enrollment of himself and his minor child, Lela Dean Turner, as citizens of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Robert C. Turner and Lela Dean Turner as citizens of said Nation.

Respectfully,

SIGNED

Acting Chairman.

I enclose.

Through the Commissioner
of Indian Affairs.

COPY.

Land.
30,960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington, June 18, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Robert C. Turner for enrollment as a Chectaw citizen.

The commission refused to enroll said applicant.

From the record it appears that this applicant has never been enrolled or recognized as a Chectaw citizen.

It is the opinion of this office that under the provisions of the Act of Congress approved June 31, 1900, the commission had no authority to enroll him.

I respectfully recommend that the decision of the commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,
Acting Commissioner.

(E.S.S.) P.

COPY.

D.C.10552-1902.

F.

Department of the Interior.

I.T.D.3738-1902.
L.R.S.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Robert C. Turner and his child Leler Ross Turner, as citizens of the Chectaw Nation. You refused the application because applicants have never been enrolled or admitted as Chectaw citizens. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Choctaw 2-309.

Waskagee, Indian Territory, July 1, 1902.

Robert C. Turner,

Owl, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself and your child, Leler Roan Turner, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED)

I. B. Needles

Commissioner in Charge.

COPY.

Choctaw R-309.

Muskogee, Indian Territory, July 1, 1902.

Manafield, McHurray & Cernish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Robert C. Turner for the enrollment of himself and child, Leler Rean Turner, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED) *T. B. Neale*

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of
Robert C. Turner.

7 - R - 309.

Comes now your petitioner herein, Robert C. Turner, a resident of Owl, Choctaw Nation, Indian Territory, and states that he is a Choctaw by blood, and that he is entitled to enrollment as a citizen of the Choctaw Nation. That on or about August, 1897, he made application before the Commissioners of the Five Civilized Tribes, at Atoka, Indian Territory, then known as the Dawes Commission, for enrollment as a citizen of the Choctaw Nation, and that on May 19, 1902, the Commissioners to the Five Civilized Tribes rendered a decision refusing the enrollment of Robert C. Turner and his child, Leler Rean Turner, as citizens of the Choctaw Nation. Your petitioner is ready to prove, and can prove, that he is a citizen by blood of the Choctaw Nation, and is entitled to enrollment; that his own brother, Albert P. Turner, a resident of Tupelo, Indian Territory, was duly enrolled by the Commissioners to the Five Civilized Tribes as a citizen of the Choctaw Nation, and his land has been allotted to him.

Your petitioner further states that his father, John Jefferson Turner, was a Choctaw by blood, and that the said John Jefferson Turner was, about the year 1865, married to one Nancy M. Moore, and that your petitioner, Robert C. Turner, and his brother, Albert P. Turner, were the issue of this marriage.

WHEREFORE, Your petitioner prays that he may have a rehearing in this cause that he may be able to present his proof to establish his right to be enrolled as a citizen of the Choctaw Nation.

By his Attorney,

P. D. Kendrick

United States of America,)
Central District,)
Indian Territory.)

I, Robert C. Turner, being first duly sworn, state that I am the petitioner in the foregoing petition; that I have heard the same read, and know the contents thereof, and that the statements therein contained are true and correct.

Robert C. Turner

Subscribed and sworn to before me this ^{15th} day of February, 1906.

Fred H. Myers
Notary Public.

My Commission expires June 1st 1908.

UNITED STATES OF AMERICA
INDIAN TERRITORY
CENTRAL DISTRICT.

I, Geo. F. Robertson, being first duly sworn
state that I served a copy of the attached petition of Robert
C. Turner by mailing same to Mansfield McMurray & Cornish at
SoMcAlester, Indian Territory, enclosed in registered envelope.

Geo. F. Robertson

Subscribed and sworn to before me this 21st day of February, 1906.

Fred H. Ayers
Notary Public.

My commission expires

June 29th 1908

Muskogee, Indian Territory, August 9, 1900.

Mr. R. C. Turner,

Owl, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of August 8th, in which you state that you are a brother to J. F. Turner and a Choctaw by blood; that the reason you did not enroll at the time they did is because you were not in the Choctaw Nation. You ask to be advised what steps are necessary to secure your enrollment.

In reply to your letter, you are advised that the records of the Commission show that J. F. Turner has been listed for enrollment as a Choctaw, pursuant to a judgment of the court rendered at South McAlester, Indian Territory, October 6th, 1897. The records also show that you appeared before the Commission at Atoka and were refused enrollment for the reason that your name did not appear upon the tribal rolls of the Choctaw Nation, and you had not been admitted by the court or by the Dawes Commission, or by the legally constituted authorities of the Choctaw Nation. There is nothing further to be done by you in this matter. Your testimony will be forwarded to the Secretary of the Interior when the final rolls of the citizens of the Choctaw Nation go up to him for approval, for review.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 19, 1905.

R. C. Turner,

Owl, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 14, 1905, in which you state that you are a brother of Albert P. Turner who has already selected his land and you desire to secure the enrollment of yourself, your wife and your children.

In reply to your letter you are advised that on May 18, 1902, the Commission to the Five Civilized Tribes refused the enrollment of Robert C. Turner and his child Leler Rean Turner as citizens of the Choctaw Nation and on June 19, 1902, this action was approved by the Secretary of the Interior. This case is therefore considered closed.

Respectfully,

Commissioner.

7-R-309
a rehearing in this case a petition
therefor should be addressed to the Secretary of the Interior
through this office. Muskogee, Indian Territory, March 8, 1906.

Respectfully,

C. B. Kendrick,

Atoka, Indian Territory,

Acting Commissioner.

Dear Sir:

Receipt is hereby acknowledged of your petition in behalf
of Robert C. Turner for reconsideration of his application for en-
rollment of himself and his child Leler Rean Turner as citizens of
the Choctaw Nation.

You are advised that on May 19, 1902, the Commission to
the Five Civilized Tribes rendered its decision refusing the appli-
cation for the enrollment of Robert C. Turner and his child Leler
Rean Turner as citizens by blood of the Choctaw Nation and on June
19, 1902, this action was approved by the Secretary of the Interior.
If it is now desired to secure a rehearing in this case a petition
therefor should be addressed to the Secretary of the Interior
through this office.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

7-R-309

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 5, 1906.

C. B. Kendricks,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your petition in behalf of Robert C. Turner for reconsideration of his application for enrollment of himself and his child Leler Rean Turner as citizens of the Choctaw Nation.

You are advised that on May 19, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application for the enrollment of Robert C. Turner and his child Leler Rean Turner as citizens by blood of the Choctaw Nation and on June 19, 1902, this action was approved by the Secretary of the Interior. If it is now desired to secure a rehearing in this case a petition therefor should be addressed to the Secretary of the Interior through this office.

Respectfully,

W. O. Beall

Acting Commissioner.

Received of Commissioner to the Five Civilized Tribes
one copy of testimony taken at Aoka, I. T. in 1898 or 1899
in the case of Robert C. Turner 7R 309.

Wm. Franklin.

Choc. R. 310
Nova Turnbull

R. 310

CHOCTAW

In the matter of the application
of E. J. Turnbull for enrollment as
citizen of the Choctaw Nation.

REFUSED MAY 12 1902

COPY OF DECISION FORWARDED
APPLICANT MAY 12 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAY 12 1902

RECORD FORWARDED DEPARTMENT.
MAY 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the application for enrollment as a Choctaw of Nova Turnbull; being sworn and examined by Com'r McKenna: she testifies:

- Q What is your name? A Nova Turnbull.
Q How old are you? A Nineteen years of age.
Q Are you on the Choctaw rolls? A No sir.
Q You never have been? A No sir.

Com'r McKenna: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. S. Green

7-2-310.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nova Turnbull for enrollment as a citizen of the Choctaw Nation.

DECISION.

The record in this case shows that the applicant, Nova Turnbull, appeared before the Commission at Durant, Indian Territory, at its session beginning August 14, 1899, and ending August 18, 1899, and then and there made personal application for enrollment as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by

a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 19th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of the said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Nova Turnbull is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

MAY 12 1902

COPY.

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Neva Turnbull for the enrollment of herself as a citizen by blood of the Choctaw Nation, including the decision of the Commission dated May 12, 1902, refusing the application for the enrollment of Neva Turnbull as a citizen by blood of said nation.

Respectfully,

(SIGNED) *Tams Bixby.*

Acting Chairman.

1 enclosure
Choctaw B-110.

Through the Commissioner
of Indian Affairs.

COPY

Chester Bell

Muskogee, Indian Territory, May 12, 1908.

Macfield, Murray & Coraish,

Attorneys for the Cheate and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Nora Turnbull, as a citizen by blood of the Cheate Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed)

Tama Blabv.

Acting Chairman.

1 enclosure
Chester Bell.

COPY.

Chester R-310

Marquette, Indian Territory, May 18, 1903.

Neve Turnbull,

Durant, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen by blood of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

Tarns Bixby.

Acting Chairman.

1 enclosure
Chester R 310
Registered.

COPY.

Land.
29, 240-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 27, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, record and testimony in the matter of the application of Nora Turnbull for enrollment as a Choctaw citizen.

It appears from the record that no claim is made by the applicant as a Mississippi Choctaw and further that she has never been enrolled, admitted or recognized as a Choctaw citizen.

The Commission holds that it has no authority to enroll this applicant under the provisions of the existing law.

This office concurs in the decision of the Commission and respectfully recommends that said decision refusing the enrollment of Nora Turnbull be approved.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(E.S.S.)
P.

copy.

DC 10025

34080

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 3362-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 12, 1902, you transmitted application for enrollment of Nova Turnbull as a citizen of the Choctaw Nation, which you rejected because she has never been enrolled, admitted or recognized as a Choctaw citizen. A copy of the Acting Commissioner's letter of May 27, 1902, recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan,

Acting Secretary.

E. M. D.

Choc. 2 210

COPY.

Washogue, Indian Territory, June 28, 1908.

Wesley Turnbull,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1908, affirmed the decision of the Commission, dated May 12, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

I. B. Needles.

Commissioner in Charge.

COPY.

Choc. R 310

Muskogee, Indian Territory, June 23, 1908.

Mansfield, McFarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1908, affirmed the decision of the Commission, dated May 12, 1908, refusing the application made by Eva Turnbull for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COMMISSIONERS.

HENRY L. DAVIS,
TAMM DIXIE,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chootaw No. R-310

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1903

In the matter of the application of
Nova Turnbull for the enrollment of
herself as a citizen by blood of the
Chootaw Nation. }

To Nova Turnbull,

Durant, Indian Territory.

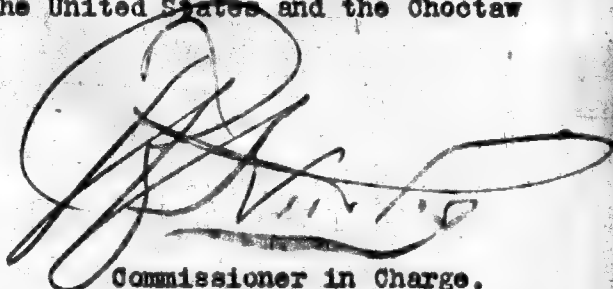
You are hereby notified that you will be
allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Chootaw under
the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Chootaw Indians
claiming rights in the Chootaw lands under
article fourteen of the treaty between the
United States and the Chootaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

N. T., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, featuring a prominent loop at the top and a long, sweeping tail that extends to the right.

Commissioner in Charge.

Register.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Nova Turnbull,

Durant,

Indian Territory.

UNCLAIMED 7412



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Nova Turnbull,

Durant,

Indian Territory.

2195

7 R 310

CHOC. 3H

James A. Tucker

R. 311

James A. Tucker,
et al.

See Petition #W-46-W-47

Judgement written Feb'y 12 1907
R. S. S.

DECISION RENDERED

AUG 10 1906

RECEIVED

OFFICE

RECEIVED
ATTORNEY
CHICKSAW

AUG 10 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

COPY OF DECISION FORWARDED
APPLICANT.

AUG 10 1906

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG
FEB 25 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

APR 17 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 17 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

APR 17 1907

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

December 4, 1899.

In the enrollment of James A. Tucker as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A James A. Tucker.
- Q How old are you? A Forty-nine.
- Q You claim to be an intermarried choctaw or chickasaw?
- A Choctaw.
- Q Where are you living? A Near Ardmore, in the Chickasaw Nation.
- Q How long have you been living there? A Ever since last September.
- Q Where did you come from there? A I came from Duncan.
- Q How long have you been living in the Chickasaw Nation?
- A Sixteen or seventeen years.
- Q You are a white man? A I am a white man.
- Q What's your wife's name? A Nancy Dibble, she was.
- Q When did you first marry her? A I believe it was in 1885.
- Q Where? A Near Eren Springs, Chickasaw Nation.
- Q Under the United States law? A No sir, I married according to Chickasaw law.
- Q In 1885? A Yes sir.
- Q You had a license issued by the Court there? A By Judge Dickerson.
- Q Is she Indian by blood? A No sir, she is intermarried.
- Q She is a white woman? A Yes sir, she married Joe Dibble, an Indian, in 1875.
- Q Did she live with him until he died? A Yes sir, she has three children by him.
- Q Then you married her? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Madison

James A. Tucker #2)

Q You are both white people? A Yes sir.

Q You married her then under the Chickasaw law, in 1885?

A Yes sir.

Q You married her again under the Choctaw law? A Yes sir, September 1st, 1899.

Q Are you certain that that is the date? A I think I am, yes sir.

Q Is that the correct date on which that license was issued?

A Yes sir.

Q What date were you married then? A The first day of September last.

Q You have got some children by this white woman? A Yes sir, I have five.

Q What's the oldest name? A Rosa.

Q How old is she? A I think she is thirteen years old.

Q Next one? A Roy, eleven years old.

Otho, ten years old; Claude, four years old; Minnie D., one year old.

Q These are all your children, and have no Indian blood in them?

Ans. A No Indian blood in them five children.

Q That is a statement of the whole case? A Yes sir.

Com'r McKennon: Your enrollment and theirs will be refused, because you are all white people, and the commission holds that you would not be entitled to enrollment.

(Minnie D., the last above named child, found to be on card with mother; note is made on card, this date, showing this to be white child. Record Dawes Com'n, 1896, shows that James T. Tucker and above named children were rejected by the Dawes Com'n; appealed to the United States court, Judgement sustained.-)

Ardmore, I. T., Dec. 2, 1899.

Hon. Dawes Commission,

Muscogee, I. T.

Sirs:

I beg to submit for your consideration the petition, duly verified, and the affidavits, marriage record, and other documentary evidence in the case of James A. Tucker and G. W. Shanks, who claim the right to enrollment as Choctaw intermarried citizens, under the treaties, customs and laws of the Choctaw Nation; and the minor children of the said James A. Tucker, four in number, claim the right to enrollment because their parents are citizens of the Choctaw Nation. If your commissions should decide that James A. Tucker and his four children or any of them, or the said G. W. Shanks are not entitled to enrollment as their attorney I very respectfully ask that the statements to be made by the said Tucker and Shanks when they appear before your commission for enrollment be taken in writing, and the same with the papers herein enclosed be forwarded to the Secretary of the Interior for his consideration and action.

Very respectfully,

Joseph P. Mullen
of Counsel for J. A. Tucker.

.....

Glenn, Chickasaw Nation, Indian Territory
November 10th 1899.

To the Honorable Dawes Commission,
Muscogee, Indian Territory.

James A. Tucker,
Rosa L. Tucker, minor, daughter,
Roy E. Tucker, minor, son,
Otha C. Tucker, minor, son,
Claude Tucker, minor, son,
Minnie D. Tucker, minor, daughter (has been enrolled by Commission)
vs.
Choctaw Nation.

I, James A. Tucker, in my own behalf and in behalf of my above named minor children very respectfully represent:

That my name is James A. Tucker. My post-office address is Glenn, Chickasaw Nation. I am forty nine years of age, and am a white man. I married Mrs. Nancy Dibbrell, a white woman, on the 1 day of February, 1885. She was the widow of the late Joe Dibbrell, a Choctaw Indian by blood, and a citizen of the Choctaw Nation, having married said Dibbrell under the Choctaw tribal laws on the 4th day of March, 1875. They resided together as husband and wife continuously in the Choctaw and Chickasaw Nations up until the death of said Dibbrell in the month of November, 1883. By the marriage of said Nancy Dibbrell and Joe Dibbrell there were born and are now living the following children: Charles E. Dibbrell, born in 1877; James W. Dibbrell, born Sept., 1880; Nora Dibbrell was born in July 1882. The marriage certificate of the said Joe and Nancy Dibbrell is hereto attached, and marked exhibit "A", and made a part hereof.

In the month of 1884 I married the said Nancy Dibbrell, and by such marriage the above named children were born and are now living, to-wit: Rosa L. Tucker, born in 1886; Roy E. Tucker was born in June 1888; Otha C. Tucker was born in January, 1889; and Claude Tucker was born in December, 1894; and Minnie D. Tucker was born in the month of May, 1898. When I married the said Nancy Dibbrell I married her under the laws of the Chickasaw Nation, the license being issued by the late Judge Dickason, on the payment of the regular fifty dollar license fee. That since the said marriage we have been living together as husband and wife; and enjoyed the rights of Choctaw citizenship until 1896, when the rights of myself were disputed by the Choctaw authorities. Whereupon

Under the act of June 10, 1896, authorizing the Dawes Commission to hear and determine the rights of applicants, I made application to the said Commission on the first of September, 1896, in behalf of myself and children. In support of the application there were attached thereto the affidavits of Dr. B. Ward, Emmet McCaughey, and Jerry Carson, establishing the allegations set forth in the petition. In the month of December, 1896, I was informed that myself and children were admitted to rights of citizenship by the Commission. This notification of our admission was turned over to William Gilbert, Attorney at law, Duncan, I. T. This petitioner has not seen the same since; nor has he seen any of the original papers filed before the Commission since the time of said filing. On the first of February, 1897, I was informed that the Choctaw Nation had taken an appeal from the decision of the Commission to the United States Court

at South McAlester, I. T., but only the individual claim of James A. Tucker had been appealed; and that no appeal had been taken against any other member of my family, I know nothing further of the proceedings, orders etc., taken in said case, except that I was informed that Judge Clayton, at South McAlester had denied the rights of Choctaw citizenship as to myself; but admitted my wife, Nancy Tucker, nee Dibbrell, to Choctaw citizenship. That the grounds that I was denied citizenship were that I had not married Nancy Tucker nee Dibbrell under the laws of the Choctaw Nation, --said marriage having been consummated under the laws of the Chickasaw Nation as aforesaid, said Nancy Dibbrell, being at the time a resident of the Chickasaw Nation. I do not know whether or not the said Judge Clayton was aware of my marriage under the laws of the Chickasaw Nation.

My attorneys before the United States Court at South McAlester were Gilbert and Gilbert, Duncan, I. T. I do not know, and neither have I ever been informed whether or not the said attorneys, or either of them appeared before said court in my behalf; nor do I know upon what grounds I was denied citizenship, except the grounds set forth in the decree, that I was not married to Nancy Dibbrell under the laws of the Choctaw Nation. (A copy of said decree is hereto attached, marked "B", and made a part hereof.)

Having been denied citizenship in the Choctaw Nation by the courts on the grounds of not marrying under the laws of the Choctaw Nation, on the first day of September, 1899, I remarried, at Atoks, Choctaw Nation, my wife Nancy Tucker, nee Dibbrell, under the laws of the Choctaw Nation. (A copy of the marriage certificate is hereto annexed, marked "C", and made a part hereof.)

I herewith submit the affidavits of myself and others in support of this petition. I ask that my original petition be referred to, and made a part of this petition, said petition now in the hands of the proper officials of the United States court at South McAlester--all of which I ask to be duly considered when your commission comes to pass upon my claims as an intermarried Choctaw citizen, and that of my said minor children.

The premises considered, wherefore I ask upon the part of myself that I be enrolled as an intermarried Choctaw citizen; and that my minor children, namely Roas L. Tucker, Roy E. Tucker, Otha C. Tucker, and Claude Tucker--(Minnie D. Tucker having heretofore been enrolled by the Honorable Dawes Commission at the time said commissioned enrolled the said Nancy Tucker), be also enrolled; and for all proper relief.

James A. Tucker
Petition &c

United States of America,
Indian Territory, Southern District.

I, James A. Tucker, state that the statements made in the above and foregoing petition are true to the best of my knowledge and belief.

James A. Tucker

Subscribed and sworn to before me, on this the 10th day of November, 1899.

Leslie V. Mullen
Notary Public, Southern
District Indian Territory.

(SEAL)

United States of America,
Southern District, Indian Territory.

Personally appeared before me, the undersigned, a Notary Public in and for said district, James A. Tucker, personally known to me, who makes affidavit, and solemnly swears:

That my name is James A. Tucker. My post-office address is Glenn, I. T. I am a white man, and am forty nine years of age. I married Mrs. Nancy Dibblell on the 8th day of February, 1885, under the tribal laws of the Chickasaw Nation, and who was the widow of the late Joe Dibblell, who was a citizen by blood of the Choctaw Nation. At the time of his death he was residing in the Chickasaw Nation, his death taking place in the year of 1883. By this marriage between Joe and Nancy Dibblell three children were born, viz, Charles Dibblell, age 21 years, James Dibblell, age 19 years, and Nora Dibblell, age 16 years. By the marriage of myself with the said Nancy Dibblell the following children were born, and are now living, namely, Rosa Tucker, age 13 years, Roy E. Tucker, age 11 years, Otha C. Tucker, age 9 years, Claude Tucker, age 4 years, and Minnie Tucker, age one year. After my said marriage with the said Nancy Dibblell I enjoyed all the rights of a Choctaw citizen until in 1896. On learning this I made application to the Dawes Commission. Concerning which application, and its result will be found in my petition.

Since my marriage with the said Nancy Dibblell I have resided in the Choctaw and Chickasaw Nations continuously.

When I was informed that the U. S. Court had denied my rights to citizenship on the grounds of not having married under the laws of the Choctaw Nation, I procured a license from the Choctaw authorities, and on the first day of September, 1899, I was regularly and lawfully remarried to the said Nancy Tucker nee Dibblell, having complied in ever respect with the laws of the Choctaw Nation.

I ask that this affidavit be taken in connection with my petition, and my oral statement before the Dawes Commission if I am permitted to appear.

James A. Tucker,

Subscribed and sworn to before me, on this the 10th day of November, 1899.

(SEAL)

Leslie V. Mullen
Notary Public.

COPY OF ORDER OF COURT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
CENTRAL DISTRICT.)

IN THE UNITED STATES COURT in the Indian Territory, Central District, at a term thereof begun and held at South McAlester, in the Indian Territory, on the 18th. day of January, A. D. 1898;
Present, the Honorable WM. H. H. Clayton, Judge of said Court.

The following order was made and entered of record, to wit:

James A. Tucker

Vs.

No. 237. Judgment.

Choctaw Nation

On this 12th, day of January 1898, this cause came on to be heard and is by agreement of plaintiff and defendant submitted to the Court for trial.

And the Court having examined the evidence and being well and fully advised in the premises doth find that said James A. Tucker claims to be a citizen of the Choctaw Nation by intermarriage and that said Tucker was not married according to the laws of the Choctaw Nation, and the Court further finds that Nancy Tucker is a citizen of the Choctaw Nation by intermarriage with Joe Dibblell.

It is therefore by the Court considered, ordered and adjudged that the said Jas. A. Tucker take nothing by this suit; that he be excluded from the rolls of the Choctaw citizens prepared or to be prepared by the Commission to the Five Civilized Tribes and that the Choctaw Nation have and recover of the said Jas. A. Tucker all its costs in this action laid out and expended.

It is further considered, ordered and decreed that the said Nancy Tucker be admitted as a citizen of the Choctaw Nation by inter-

marriage; That her name be placed upon the rolls of Choctaw Citizens prepared or to be prepared by said Commission and that she have and recover of the Choctaw Nation her cost in this action laid out and expended.

It is further ordered that the Clerk of this Court transmit to said Commission a copy of this judgment.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss.
Central DISTRICT.)

I, E. J. Fannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order by said Court on the 18th day of Jany, 1898, as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in McAlester in said District, this 29 day of January, A. D. 1898.

E. J. Fannin, Clerk,

By _____ Deputy.

No. 237.

James A. Tucker
versus
Choctaw Nation.

COPY OF ORDER OF COURT.

This is to certify that I, the undersigned celebrated the
rights of matrimony between J. B. Dibbrall and Nancy Stone.

This the fourth day of March, 1875.

(signed) Lem Pickering, ordained
minister

Recorded on Page 8, in Book of General Record,

A. H. Law, County Clerk.

United States of America,
Indian Territory,
Southern District.

I, Leslie V. Mullen, notary Public in said Southern District,
do hereby certify that the within and foregoing is a true and cor-
rect copy of a certificate of marriage shown me by James A. Tucker
and purporting to be the original, and I do hereby so certify.

This the 21st day of July, 1899.

(SEAL)

Leslie V. Mullen
Notary Public, So. Dist.

CHOCTAW NATION,
RED RIVER COUNTY.

TO ANY ORDAINED MINISTER OF THE GOSPEL OR JUDGE
OF COURT OF RECORD:

This certifies that James Tucker, a citizen of the United States, has filed a petition in the Clerk's Office and is recommended by ten signers, proposing to marry Nancy Dibbell, a citizen of the Choctaw Nation. Now therefore by the authority in me vested by the laws of said Nation, have caused this License to be issued, and that the said James Tucker, a citizen of the United States having taken the oath of allegiance, is entitled to all rights and privileges as guaranteed to citizens by blood.

Witness my hand and seal this the 28th dy of August, A. D. 1899

Sidney J. Herndon,
County Clerk Red River County.

Choctaw Nation,
Atoka County.

I, D. H. Linebaugh a Minister of the Gospel, do hereby certify that on the 1st day of September A. D. 1899 I did duly and according to law as commanded in the foregoing license solemnize and publish the banns of matrimony between the parties herein named,
Witness my hand seal of office this Sept 1st A. D. 1899

(SEAL)

D. H. Linebaugh,
Minister of the Gospel

I, Robert Harrison, County Clerk of Atoka County, Choctaw Nation do hereby certify that the above and foregoing is a true and exact copy of Marriage License and Certificate, now recorded in my office in Vol 1. page 341.

(SEAL)

R. W. Harrison
Clerk Atoka County, C. N.

J. B. Dibberll and Nancy Stone was married March 4, 1875, (she being a white woman and he being a Choctaw by blood; married under the Indian law and have herewith a certificate)

J. A. Tucker and Nancy Dibberell was married Feb. 8, 1885, undre Chickasaw law and marriage certificate lost.

Charles E. Dibberell was born Oct. 28, 1877.

Jas. W. Dibberell was born Sept 11, 1880.

Mora Dibberell was born July 27, 1882.

Rosa L. Tucker was born March 25, 1886.

Roy E. Tucker was born June 31, 1888.

Otha C. Tucker was born Jan. 1st, 1889.

Claud A. Tucker was born Dec. 16, 1894.

Minnie D. Tucker was born May 24, 1898.

The last named child was enrolled by the Dawes Commission at Duncan, I. T. in November, 1898.

The other children were not placed on any roll, but Minnie D. Tucker was placed on card or roll with her mother Nancy E. Tucker.

United States of America,
Indian Territory,
Southern District.

I, Leslie V. Mullen, notary public in and for the said Southern District; do hereby certify that the within and foregoing is a true and correct copy of an instrument of writing showed me by James A. Tucker purporting to be the family record in his bible.

This the 21st day of July , 1898.

(SEAL)

Leslie V. Mullen
N. P. So. Dist.

V. R. Robertson,

VS:

The Choctaw Nation.

The facts of the case are that the Claimant, F. R. Robertson, a white man that on the 21st. day of September 1873, in the Choctaw Nation and according to their laws, he married a Choctaw woman by blood a recognized citizen of the Choctaw Nation, that the said Indian wife died on the first day of April 1884, and on August 10th, 1884, claimant married a white woman, not a citizen of the Choctaw Nation. By the 5th, section of the act of the Choctaw Council, approved Nov. 9th, 1875, (Durants' Digest 226) it is enacted should any man or woman a citizen of the United States or of any foreign country, become a citizen of the Choctaw Nation by inter-marriage, as herein provided and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship until he or she shall marry a white man or woman or person as the case may be having no rights of Choctaw citizenship by blood, in that case all his or her rights acquired under this act shall cease. The 28th, Article of the treaty of 1867, (14 status at large 779) provide (Article 38) every white person, who, having marriage a Choctaw or Chickasaw resides in the said Choctaw or Chickasaw Nation or who has been adopted by the legislative Authorities is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicile and to the prosecutions and trials before their tribunal, and to punishments according to their laws in all respects as though he was a native Choctaw or Chickasaw. The question is do the statutes and the treaties conflict? If so, the statute must yield to the treaty and the marriage is legal. If not, they both must stand and the marriage being in violation of the statute is void. At the hearing the question was argued that the first marriage having been solemnized before the enactment of the statutes, the rights of the Claimant became vested by that act, and therefore it was contended that the second marriage was after the statute became a law, it could not divest a Claimant of those rights which had been conferred upon him before the passage of that act but the view I take of the legality of this Statute relieves me of the necessity of deciding this point. The treaty makes every white man or woman who may marry a Choctaw man or woman or Chickasaw man or woman, a citizen. To use the language of the last words of Art- 28, above set out in all respects as though he was a native Choctaw or Chickasaw by this provisions of the treaty, there is to be no difference between the citizens by virtue of his marriage and the native Choctaw. They are to enjoy each and alike all the benefits of Choctaw citizenship as well as to share the burden. Any act, therefore, of the Choctaw Council, enacted after the ratification of the treaty which makes it a distinction between them granting to one greater privileges or rights or imposing on him more burdens than the other for which it shall undertake to enlarge or curtail the right and privileges which flow from citizenship as to the one and not as to the other, would be in violation of this provision of the treaty and therefore void. And act which puts a white man in any respect in a different attitude or condition from the Indian is void. The Choctaw Statute undertakes to deprive the white man who shall lose his Indian wife and afterwards marry a white woman, of all the rights of citizenship. A marriage had vested a title to the lands in him. This is to be divested from him and he is thereafter to be considered an intruder subject to be removed from the country under the Inter-

course laws of the United States. This notwithstanding the fact that his children, the issue of his Indian marriage, are Indians by blood and are entitled to remain. Now, unless a marriage of a native Indian to a white woman after his Indian wife shall have died has the same effect on him that is, decitizenizes him, deest him of all titles to the Choctaw lands and deprives him of the right to live in the country. The Statute works an inequality, and the white man does not enjoy the same privileges as a native Indian. The Citizenship is different and the rights flowing therefrom are not the same. The one may do an act that the other cannot do. The one has a privilege, that of marrying a white woman, that the other does not enjoy. The important right of unrestricted selection of the wife enjoyed by the native Indian is denied the white citizen by marriage, and, therefore, the provisions of the Statute, being in conflict with the treaty is absolutely void; and it makes no difference whether the The important right of unrestrictive selection of the wife enjoyed by the native Indian is denied the white citizen by marriage, and, therefore, the provisions of the Statute being in conflict with the treaty is a bsolutely void; and it makes no difference whether the first marriage was before or after the enactment of the Statute. The same thin would be true in case the sexes should be reversed; that is if the husband should be an Indian and the wife a white woman, and the Indian husband should die, leaving the white wife a widow and she should afterward marry a white man, her white husband under the law would become entitled to the rights of Choctaw citizenship, I, Therefore, find that the claimant is entitled to be enrolled. The action of the Dawes Commission in enrolling him is affirmed, and judgment for claimant.

See Secretary's Report Page 472

William M. Tucker

vs:

The Choctaw Nation,

The facts of this case are, that the Claimant on the 16th, day of February 1893, at South McAlester, in the Choctaw Nation, under a liscence of the Clerk of the United States Court, for the Indian Territory at that place, married a Choctaw woman, that in the solemnization of the said marriage, he in no wise conformed with the provisions of the Choctaw Statute relating to marriage between white persons and Indians. Afterwards, learning that the said marriage did not confer on him the right to become a citizen of the Choctaw Nation, he re-married the same woman in accordance with the provision of their law. The question is, under the circumstances was the second marriage lawful in so far as to confer on the Claimant the right of Choctaw citizenship the second section of the Choctaw Statutes relating to inter-marriages (Durant's Digest 226) provides as follows: Marriages contracted under the provisions of this act shall be solemnized as provided by the law of this nation or otherwise null and void. Section 3rd, of the same act provides that. No marriage between a citizen of the United States or any foreign Nation and a female citizen of this nation entered into within the limites of this nation except hereinafter authorized and provided shall be legal. Then follows a provisions making it a misdemeanor and imposing a penalty upon all persons, their aiders and abettors who shall violate the act. Under the provision of this Statute, there can be no question but that as far as the Choctaw Nation is concerned the first marriage of the Claimant is absolutely void; that is it was as if it had never been solemnized leaving the parties in a legal condition as if they had not been married at all. This being true as to them how can they now say that the second marriage is void on the ground that the first was valid? Having declared by Statute that the first was void they are now estopped from contending that the second was void because the first was valid. As far as the Choctaw Nation is concerned and it is the only party to this suit that the Choctaw Nation can not now be heard to object, the second marriage is valid because the first was void giving the parties the right to re-marry as if the first had not occurred. It cannot be said that there was anything fraudulent in this second marriage. It simply had the effect of naturalizing the party. It gave the Choctaw Nation an opportunity of inquiring into his character which was proven good. He paid the liscence fee and took the oath. The whole object of the Choctaw law was accomplished in good faith and the mistake made by him in the forms of his first marriage was corrected by the second.

As an evidence of the fact that this ruling is just, since the refusal of the Dawes Commission to place the Claimant's name on the roll, it has been proven that he had been duly and regularly enrolled by the Choctaw Nation. Of course this proof was not made before the Dawes Commission or they would have enrolled him. That action of said Commission in enrolling the Claimant is approved and judgment for Claimant. See Sec Report 1899 Page 473.

S U M M A R Y.

1. Absent Mississippi Choctaws not entitled to enrollment.
2. All Mississippi Choctaws who may have removed into the Choctaw Nation are entitled to enrollment without respect to the quantum of Indian blood.

3. All absent Choctaws, who have moved away from the nation and have not returned are not entitled to enrollment.
4. All Choctaws who have moved away from the nation into the states, notwithstanding, that their intention may have been to abandon the nation and their land, if they have moved back in good faith, are entitled to be enrolled, unless the Choctaw act of November the 6th, 1896, requiring that after that time no Indian shall be admitted unless he be of less than one eight blood, is valid. If so, then no Choctaw who returned after that time of less than $1/8$ blood would be entitled to be enrolled. But this point is now not decided.
5. All white persons married to Choctaws in accordance with their laws are entitled to be enrolled.
6. White persons married to Choctaws in violation of the Choctaw Statute are not entitled to be enrolled.
7. White persons who have married Choctaws in accordance with their statutes and the husband or wife dies and the widow or widower afterward marries a white person the party is entitled to enrollment.
8. A white man having married a Choctaw woman but not in accordance with the Choctaw laws, afterwards re-marries her in accordance with such laws is entitled to be enrolled.

Indorsed:

No. _____

James A. Tucker, Et, al,

Vs. Application for
enrollment as
Choctaw citizens.

Choctaw Nation.

Department of the Interior,
Received Apr. 14, 1900.
No. 1310.
Indian Territory Division.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Jul. 9, 1900.
Tams Bixby, Acting Chairman.

United States of America,
Indian Territory,
Southern District.

Personally appeared before me the undersigned a Notary Public in and for said District, James A. Tucker personally known to me who makes affidavit and solemnly swears that his name is James A. Tucker that he is about 49 years of age; that his post office is Glenn, Indian Territory; that he is a white man.

Affiant further makes affidavit and solemnly swears that he is an application for enrollment as a Choctaw intermarried citizen; that on or about the 5th day of December 1899 that he, affiant, in company with his attorney appeared before the Honorable Dawes Commission at Atoks, I. T., where he made his statement to said Commission asking to be enrolled as an intermarried Choctaw citizen and also for the enrollment of his minor children, namely Rosa L. Tucker, Roy E. Tucker, Oce C. Tucker, Claude Tucker and his infant daughter Minnie D. Tucker having already been enrolled at the time that her mother Nancy Tucker had been enrolled by the Commission. Said Commission refused to enroll him or any one of his said minor children, on the Commission refusing to enroll him and his said children he asked permission of the Commission to file the within and foregoing documents including petition, affidavits, copy of marriage license, which was refused, but said Commission, namely Capt. McKennon stated in substance that the statement in writing made by him would be forwarded to the Secretary of the Interior for his consideration.

Affiant herewith submits the within and foregoing inclosures and asks that the Honorable Secretary examine the same and if upon such examination it is found that petitioner and his said children are or any of them are entitled to enrollment that he and them be enrolled to the end that he and them may share in the land and

public funds belonging to the Choctaw and Chickasaw Nations.

James A. Tucker

Subscribed and sworn to before me this the 30th day of January 1900.

Leslie V. Mullen
Notary Public.

(SEAL)

Indorsed:

No. _____

James A. Tucker

Vs. Affidavit.

Exparte,

Department of the Interior,
Received Apr. 14, 1900.
No. 1310.
Indian Territory Division.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Jul. 9, 1900.
Tams Bixby, Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
February 10, 1904.

Cheotaw 8878.
Cheotaw B-311.

In the matter of the application for the enrollment of Nancy Tucker and James A. Tucker as citizens by intermarriage of the Cheotaw Nation, and for the enrollment of Rosa L. Tucker, Roy N. Tucker, Otha C. Tucker, Claude A. Tucker and Minnie D. Tucker as citizens of the Cheotaw Nation.

Said Nancy Tucker, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q Your name is Nancy Tucker? A Yes, sir.
Q How old are you, Mrs. Tucker? A I will be forty-seven in August.
Q August, 1904? A Yes, sir.
Q What is your post-office address? A Duncan.
Q Chickasaw Nation? A Yes, sir.
Q What is your father's name? A My father's name -- I don't remember my father. His name was Stone but I don't really know his given name. I never remember of seeing my father.
Q He is dead, isn't he? A Yes, sir, been dead a long time.
Q Your mother's name? A Catherine Stone. She is living with me today.
Q Both were white people and citizens of the United States? A Yes, sir.
Q You do not claim any rights as an Indian by blood? A No, sir.
Q You claim as a citizen by intermarriage? A Yes, sir.
Q Through whom do you claim, Mrs. Tucker? A By my first husband.
Q What is his name? A Joseph Dibrall.
Q D-i-b-r-a-l-l? A Yes, sir.
Q When were you married to him? A I was married to him in 1878 -- the spring of '78.
Q Do you know the date? A The 4th day of March, 1878.
Q At the time of your marriage to Joseph Dibrall, were you and he both residents in good faith of the Cheotaw Nation? A We were married in the Chickasaw Nation.
Q Were you and Joseph both residents of the Chickasaw Nation at the time of your marriage? A Yes, sir.
Q And had been for two years prior to that? A No, sir. I had not been two years. I had not been hardly a year.
Q Did you obtain a tribal license? A We didn't have no license only just had an ordained minister marry us and he gave us a certificate and it was recorded.
Q After your marriage to him in 1878 in the Chickasaw Nation, where did you reside? A We resided there on Red River in the Chickasaw Nation.

Nancy Tucker, et al. 2

- Q And you both lived together as husband and wife in the Chickasaw Nation from the time of your marriage up to when? A Up to the time he died.
- Q When was that? A In 1883.
- Q Was there any separation, abandonment or divorce during that time? A No, sir.
- Q Did you have any children by him? A I had three.
- Q What are their names? A Charlie Dibrell, James Dibrell and Nora Dibrell.

Said James Dibrell and Nora Dibrell are identified on Choctaw card, field number 408, and said Charles Dibrell is identified on Choctaw card, field number 137.

- Q Was Mr. Dibrell married before he was married to you? A No, sir.
- Q Were you married before that? A No, sir.
- Q After his death, did you remarry? A Yes, sir.
- Q When did you marry? A James A. Tucker.
- Q What is your husband's middle name? A James Alfred.
- Q Was Joseph Dibrell a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes, sir.
- Q What was the date of his death? A October, I think it was -- was November. I don't know positively, but it was in October 18, or November, 1883, as well as I remember. I have not got his age only just as I remember, or the dates. It is on his tomb.
- Q To the best of your recollection it is October, 1883? A Yes, sir.
- Q When did you marry James A. Tucker? A I married him in 1885.
- Q Is he a white man? A Yes, sir.
- Q Claims no rights as a citizen by blood of the Choctaw or Chickasaw Nation? A No, sir.
- Q He claims his rights through you, does he? A Yes, sir.
- Q Whatever rights he has, he claims through you? A Yes, sir.
- Q Where were you married to James A. Tucker? A I was married in the Chickasaw Nation at Deering Springs.
- Q Did you have a tribal license? A Yes, sir.
- Q How much did you pay for it? A He paid fifty dollars, I think.
- Q Have you a copy of your original marriage certificate with you? A Yes, sir. I have it here; that is, mine and Mr. Dibrell's. Pretty near torn up -- had it so long.
- Q Do you wish to file this as evidence in your case? A Yes, sir.

There is offered in evidence the original certificate of marriage between J. B. Dibrell and Nancy Stone, signed by Levi Pickering, an ordained minister.

- Q Is this Nancy Stone, mentioned in this marriage certificate, yourself? A Yes, sir.
- Q And this J. B. Dibrell is Joseph Dibrell, through whom you claim? A Yes, sir.
- Q And the father of these children, James, Charles and Nora Dibrell? A Yes, sir.
- Q You have not got your marriage license and certificate to James A. Tucker, have you? A No, sir. He sent them off to be recorded after we was married and I don't believe he ever got them back. If he did, I don't know.
- Q Were you married twice to him, James A. Tucker? A Yes, sir, I was married under the Chickasaw laws and under the Choctaw laws.
- Q You were married to Mr. James A. Tucker first in 1885 under the Chickasaw law? A Yes, sir.

Nancy Tucker, et al. 3

Q And then you remarried him under the Choctaw law? A Yes, sir.

Q On September 1, 1899? A Yes, sir.

Q That is true? A Yes, sir.

There is filed in jacket Choctaw R-311 a certified copy of the marriage license and certificate between James Tucker and Nacy Dibbell.

Q Is James Tucker, mentioned in this certified copy of a license, your husband? A Yes, sir.

Q And this Nacy Dibbell, so called here, is yourself? A Yes, sir.

Q When you married Tucker the first time in 1885, was he a resident in good faith of the Chickasaw Nation? A Yes, sir.

Q How long had he been a resident? A I don't really know.

Q A few years? A I suppose he had. He was living on the river and I was at Deering Springs. I don't know how long he had lived down there.

Q At the time of your marriage to him under the Choctaw law, where did he reside at that time? A We resided on Red River in the Choctaw Nation.

Q In the Choctaw Nation? A Yes, sir, part of the time and then up at Duncan the rest of the time.

Q Do you have property interests in the Choctaw and Chickasaw Nations? A No, sir, we don't own any in the Choctaw Nation.

Q How did you happen to get married in the Choctaw Nation? A We went down to Tishomingo and they claimed, you know, we was required to marry by the Choctaw laws and he went there and got a license and we was married there in ---

Q You were informed that it was necessary for you to comply with the Choctaw law and you married under that law? A Yes, sir.

Q Was there any separation, abandonment or divorce between the two marriages? A No, sir.

Q Has there been any separation since that time? A No, sir.

Q Have you any children by James A. Tucker? A Yes, sir, I have five.

Q What are their names? A The oldest one is Rosa Lee Tucker, Roy Edward Tucker, Otha Cowan Tucker, Claude Alfred Tucker and Minnie D. Tucker.

Q Was James A. Tucker married previous to his marriage to you? A No, sir.

Q You applied in 1896, did you? A Yes, sir.

Q Were you admitted? A I don't know. I thought I was, but I didn't know for certain.

Applicant was admitted in 1896, Choctaw Citizenship Case, number 298.

Q From which decision there was an appeal taken to the central district court? A That is what I learned. They said the Choctaw Indians took an appeal against me.

Q Appeal was taken to the United States Court at South McAlester and you were admitted there again, were you not? A Yes, sir, I think I was.

Q Do you know whether there was an appeal taken to the Choctaw and Chickasaw Citizenship Court for a trial de novo of the case? A No, sir, I don't know that I know much about it.

The records of the Commission show that no appeal was taken from the decree of said court, the Choctaw and Chickasaw

Nancy Tucker, et al. 4

Citizenship Court, of December 17, 1902, annulling and setting aside the judgments of the United States Court in Indian Territory, in Chestaw and Chickasaw enrollment cases.

- Q The child, Minnie D. Tucker, was not born at the time you made application in 1896? A No, sir.
- Q Are these five children all alive now? A Yes, sir.
- Q Is James A. Tucker living? A Yes, sir.
- Q Were you and your husband and your five children all residents in good faith of the Chickasaw Nation on June 25, 1898? A Yes, sir.
- Q And did you and James A. Tucker live as husband and wife from the date of your marriage up to -- your marriage in 1885 -- and including September 25, 1902? A Yes, sir.
-

Virt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above entitled cause at Muskogee, Indian Territory, on February 10, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said cause.

Virt Franklin

Subscribed and sworn to before me this 17th day of February, 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR

Before the Commissioner to the Five Civilized Tribes.

In re, application of James A. Tucker for the enrollment of his minor children, Roy E. Tucker, Otho A. Tucker, Claude E. Tucker and Minnie D. Tucker, as citizens of the Choctaw Nation.

P E T I T I O N.

Comes now your petitioner, James A. Tucker, on behalf of his minor children, Roy E., Otho C., Claude E., and Minnie D. Tucker, and alleges that they are entitled to be enrolled as citizens of the Choctaw Nation under and by virtue of the opinion of the Assistant Attorney General in the Mary Elizabeth Martin case (I.T.D. 11856-1904 & 3691-1905) and in the Loula West case (I.T.D. 10353-1904 & I.T.D., 3693-1905).

The allegations of petitioner are:

I

The mother of these minor children is one Nancy Tucker, and she is enrolled as a citizen by intermarriage of the Choctaw Nation.

II

That the said Nancy Tucker by virtue of her marriage to a recognized citizen by blood of the Choctaw Nation prior to September 25, 1902, owed allegiance to the Choctaw Nation from and after the date of said marriage, and continued to owe such allegiance at the date of the respective births of the above named minor children, and her allegiance became the allegiance of each of said children from the date of their respective births, and by reason of such births. That said minor children have in no manner forfeited such allegiance, but owe same at this time.

III

That after the marriage relation ceased to exist between the said Nancy Tucker and her Choctaw husband, she entered into lawful marriage with this petitioner James A. Tucker, and as the fruits of such marriage the above named minor children were born.

IV

That petitioner made formal application for the enrollment of these children before the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896 (29 Stat., 321, 339), and they were denied by said Commission, but were admitted by the United States Court for the Central District, I. T., and the Choctaw-Chickasaw Citizenship Court dismissed the application for said children. That the act of the Commission in denying their enrollment in 1896 was void, and all subsequent acts of the Courts was also void for want of jurisdiction over the subject matter. That the Commission was without authority to deny their enrollment in 1896, for by virtue of the

allegiance owed by their mother at that time, and the birth of each of these children to such allegiance, the Commission could under the law have done naught but enroll them.

WHEREFORE, The premises considered, petitioner prays that the said Roy E. Tucker, Otho C. Tucker, Claude E. Tucker and Minnie D. Tucker be enrolled as citizens of the Choctaw Nation.

Respectfully submitted,

Charles von Weise

Counsel for petitioner.

James A. Tucker #3

Indian Territory
Southern District

I, James A. Tucker, upon my oath state that I am the identical person mentioned as the petitioner in the foregoing petition, that I am the father of the minor children mentioned therein, and that I have read the statements contained in said petition that they are true.

James A. Tucker

Subscribed and sworn to before me this 11 day of January, 1906.

(SEAL)

E. H. Bond

My Com Exp January 3-1909.

Notary Public.

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Indian Territory
Southern District

I, Charles von Weise, upon my oath state that I am of lawful age, that I delivered to the postmaster at Ardmore for registration, a letter addressed to Mansfield, McMurray & Cornish Attorneys for the Choctaw and Chickasaw Nations at South McAlester, I. T., which letter contained a true and correct copy of the foregoing petition. In proof of such registration and of the date thereof I hereto attach the registry receipt and make same a part of this affidavit.

(Registry Receipt Attached.)

Charles von Weise

Subscribed and sworn to before me this 20 day of January, 1906.

(SEAL)

F. M. Young Notary Public.

My Com Exp May 6, 1909.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan 23, 1906.
Tams Bixby, Commissioner.

In re application for Roy E. Tucker et al
for enrollment as citizens of the Choctaw
Nation. Petition.

DEPARTMENT OF THE INTERIOR.

Before the Commissioner to the Five Civilized Tribes.

In re application of Rosa L. Tucker for enrollment as a citizen of the Choctaw Nation.

P E T I T I O N.

Comes now Rosa L. Tucker on her own behalf and alleges that she is entitled to be enrolled as a citizen of the Choctaw Nation under and by virtue of the opinion of the Assistant Attorney General in the Mary Elizabeth Martin case (I.T.D. 11856-1904 & 3691-1905) and in the Loula West case (I.T.D. 10353-1904 & I.T.D. 3693-1905).

The allegations of your petitioner are:

I

Her mother Nancy Tucker is enrolled as a citizen by intermarriage of the Choctaw Nation.

II

That by virtue of the Marriage of the said Nancy Tucker to a recognized Choctaw Indian by blood prior to September 25th 1902 she owed allegiance to the Choctaw Nation from the date of her said marriage and continues to owe such allegiance at this time. That she owed allegiance to the Choctaw Nation at the date of the birth of this petitioner, and her allegiance became the allegiance of petitioner by reason of such birth. That petitioner has in no manner forfeited that allegiance but still continues to owe same.

III

That after the marriage relation ceased to exist between the said Nancy Tucker and her Choctaw husband, she entered into a legal marriage with one James A. Tucker, a white man, and as a result of such marriage this petitioner was born.

IV

That petitioner's application was formally made to the Commission to the Five Civilized Tribes through her father James A. Tucker under the Act of Congress of June 10, 1896 (29 Stat., 321,339) and she was admitted to citizenship in the Choctaw Nation by the United States Court for the Central District, I. T., and the Choctaw-Chick-saw Citizenship Court Dismissed said application, That the acts of the said courts were without authority as they had no jurisdiction over the subject matter and the said Commission was without authority in 1896 to deny her enrollment. That by virtue of the allegiance owed by the mother of this petitioner to the Choctaw Nation, and the birth of this petitioner to such allegiance, the Commission should have enrolled her in 1896.

WHEREFORE, The premises considered, petitioner prays that she be enrolled as a citizen of the Choctaw Nation.

Respectfully submitted,

Counsel for petitioner.

Rosa L. Tucker #2

Indian Territory
Southern District

I, Rosa L. Tucker, upon my oath state that I am the identical party mentioned as the petitioner in the foregoing petition and that I have read the contents thereof and that the same are true.

Rosa L. Tucker

Subscribed and sworn to before me this 11 day of January, 1906.

(SEAL)

E. H. Bond

Notary Public.

My Com. Exp January 3, 1909.

.....

Indian Territory
Southern District

I, Charles von Weise, upon my oath state that I am of lawful age, that I delivered to the postmaster at Ardmore, I. T. a letter addressed to Mansfield McMurray & Cornish Attorneys for the Choctaw and Chickasaw Nations at South McAlester, I. T., which letter was so delivered for the purpose of registration, and contained a true and correct copy of the foregoing petition. In proof of such registration and of the date thereof I hereto attach the registry receipt and make same a part of this affidavit.

(Registry Receipt Attached.)

Charles von Weise

Subscribed and sworn to before me this 20 day of January, 1906.

(SEAL)

F. M. Young, Notary Public.

My Com Exp. May 6, 1909.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 23, 1906.
Tams Bixby, Commissioner.

In re application of
Rosa L. Tucker for
enrollment as a citizen
of the Choctaw Nation.

Petition.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MARCH 6, 1906, Muskogee, I. T.

In the matter of the application for the enrollment of Roy E. Tucker, et al., as citizens of the Choctaw Nation.

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In the matter of the application for the enrollment of Rosa L. Tucker as a citizen of the Choctaw Nation.

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Under the regulations adopted by the Commissioner to the Five Civilized Tribes on January 2, 1906, there was filed, on January 23, 1906, by Charles Von Weise, attorney for petitioners, a petition praying for the enrollment of Roy E. Tucker, Otho C. Tucker, Claude E. Tucker, and Minnie D. Tucker, as citizens of the Choctaw Nation, by reason of being the children of Nancy Tucker, whose name appears on the roll of citizens by intermarriage of the Choctaw Nation, opposite No. 1228, and James A. Tucker, a non-citizen white man, and a petition for the enrollment of Rosa L. Tucker as a citizen of the Choctaw Nation, by reason of being a daughter of Nancy Tucker, whose name appears on the final roll of citizens by intermarriage of the Choctaw Nation, opposite No. 1228, and James A. Tucker, a non-citizen white man.

On February 7, 1906, James A. Tucker, Duncan, Indian Territory; Rosa L. Tucker, Duncan, Indian Territory; Charles Von Weise, Attorney for petitioners, Ardmore, Indian Territory; and Messrs. Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner to the Five Civilized Tribes, would, at his office at Muskogee, Indian Territory, on Tuesday, March 6, 1906, at nine o'clock A. M., hear such testimony, and receive such other evidence as might be submitted in support of the petition filed with this office, for the enrollment of Roy E. Tucker et al., and Rosa L. Tucker, as citizens of the Choctaw Nation.

Now, on this the 6th. day of March, 1906, at ten o'clock A. M., the case being called for hearing, in conformity to the notices forwarded to the parties, their attorney, and the attorneys for the Choctaw and Chickasaw Nations, the following appearances were entered, and proceedings had:

APPEARANCES:

For Petitioners, ----- James A. Tucker, and Nancy Tucker.
Charles Von Weise, ----- Appearing as attorney for petitioners.

G. Rosenwinkle, of the firm of Mansfield, McMurray & Cornish,
representing the Choctaw and Chickasaw
Nations.

The Choctaw and Chickasaw Nations object to any proceedings in this cause for the reason that the names of the applicants do not appear upon the tribal rolls of the Chickasaw Nation, within the meaning of the Act of Congress of May 31, 1900.

Nancy Tucker, being duly sworn, testified as follows:

COMMISSIONER:

- Q. What is your name? A. Nancy Tucker.
Q. What is your age? A. My age is 49 this August.
Q. What is your post office address? A. Duncan, Indian Territory.
Q. What was the name of your father? A. My father has been dead so long that I don't know if I could tell his name or not.
Bannister Stone, I believe it was.
Q. What was the name of your mother? A. Katie Stone.
Q. Are you a citizen of the Choctaw Nation? A. Yes sir.
Q. By blood or intermarriage? A. Intermarriage.

(The name of the witness appears upon the final roll of citizens by intermarriage of the Choctaw Nation, approved by the Secretary of the Interior, opposite No. 1228, and on Field Card No. 5854.)

VON WEISE:

- Q. Are you married at present? A. Yes sir.
Q. To whom? A. James A. Tucker.
Q. How many children have you by James A. Tucker? A. Five.
Q. Give their names and ages? A. Rosa L., born March 25 ---she will soon be 19 years old -- the 25th. of this month.
Q. Is she the same Rosa L. Tucker who filed an application here for citizenship? A. Yes sir.
Q. What is the name and age of the next one? A. Roy E., born the last day of June, 1888 -- Otho C., born January 1, 1890, Claude A., born December 16, 1894, Minnie D., born May 24, 1896.
Q. Is Claude A. Tucker the identical person mentioned in the petition as Claude E? A. Yes sir, it is just a mistake of the initial.
Q. Where were these children born? A. Rosa, Otho and Roy were born at Leon, Indian Territory,
Q. In the Chickasaw Nation? A. Yes sir, Pickens County, and the others were born at Duncan.
Q. Have they resided in the Chickasaw Nation all their lives? A. Yes sir.
Q. And James A. Tucker is their father? A. Yes sir.
Q. Did you make application for their enrollment, before the Dawes Commission, prior to this time? A. I think I did --- I think I did when I put in my own.

(The petitioners' counsel desires to call attention to a document, filed in the case of James A. Tucker et al. vs. Choctaw and Chickasaw Nations, which was decided by the Choctaw-Chickasaw Citizenship Court, and which reads as follows.

"Choctaw Nation, Red River County.

To any Ordained Minister of the Gospel, or Judge of Court of

Record:

This certifies that James Tucker, a citizen of the United States, has filed a petition in the Clerk's Office, recommended by 10 signers, proposing to marry Nancy Dibrell, a citizen of the Choctaw Nation. Now therefore, by the authority in me vested by the laws of said Nation, have caused this license to be issued, and that the said James Tucker, a citizen of the United States, having taken the oath of allegiance, is entitled to all rights and privileges as guaranteed by to citizens by blood.

Witness my hand and seal, this the 28th day of August, A.D., 1899.

(Signed) Sidney J. Herndon,

County Clerk, Red River County."

Choctaw Nation, Atoka County.

I, D. H. Linebaugh, a minister of the Gospel, do hereby certify that on the 1st. day of September, A. D., 1899, I did duly and according to law, as commanded in the foregoing license, solemnize and publish the Banns of Matrimony between the parties herein named.

Witness my hand and seal of office, this Sept? 1st., A.D., 1899.

(Signed) D. H. Linebaugh,

Minister of Gospel.

I, Robert W. Harrison, County Clerk of Atoka County, do hereby certify that the above and foregoing is an exact ~~copy~~ and true copy of Marriage License and Certificate, recorded in my office in Volume 1, Page 341.

(Signed) R. W. Harrison,

Clerk Atoka County, C.N.

(Said instrument bears the seal of Atoka County, Choctaw Nation.)

- Q. You were married -- do you remember the date of your marriage to James A. Tucker? A. Yes sir.
- Q. When was it? A. It was in '85 --- February 8th, 1885.
- Q. Under what kind of license was that marriage? A. He got a Chickasaw license.
- Q. Then you were afterwards remarried under a Choctaw license in 1899? A. Yes sir,

ROSENWINKLE:

- Q. Were all of the children born in the Choctaw and Chickasaw Nations? A. They were all born in the Chickasaw Nation.

- Q. They have continuously resided in the Chickasaw Nation? A. Yes sir, all of their lives.

WITNESS EXCUSED.

James A. Tucker, being duly sworn, testified as follows:

COMMISSIONER:

- Q. What is your name? A. James A. Tucker.
Q. What relation are you to Nancy Tucker? A. She is my wife.
Q. Are you the father of the petitioners in this case? A. Yes sir.

VON WISE:

- Q. Did you make application to the Commission for the enrollment of yourself and children at any time? A. Yes sir.
Q. Do you remember when that was -- the first time? A. In 1896.
Q. You were married to your wife the first time when? A. I was married in February, 1885.
Q. Under what kind of a license? A. Chickasaw.
Q. Did you afterwards remarry her under another license? A. Yes sir.
Q. What kind? A. Choctaw.

(Counsel for petitioners desires to call attention to the record in Choctaw -R-311 --- James A. Tucker et al., and especially to that part of the said record which shows the testimony taken on December 4, 1899 by the Commission at Atoka, in the matter of the application for the enrollment of James A. Tucker et al., wherein he states that he has 5 children by his wife, Nancy, and mentions their names and ages at that time. The names of said children therein mentioned are the same as those now applied for at this hearing, and which record shows that application was made for them by the said James A. Tucker in 1899.)

(I also desire to call attention, especially, to the records of the Commission in 1896, showing the application made by James A. Tucker for the enrollment of his said children.)

WITNESS EXCUSED.

CASE CLOSED.

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Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled and numbered cause on the 6th. day of March, 1906, and that the above and foregoing is a full and correct transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this 5th. day of March, 1906.

Myron White

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James A. Tucker, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on December 4, 1899, James A. Tucker appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his five minor children, Rosa L., Roy E., Othe C., Claude A., and Minnie D. Tucker, as citizens of the Choctaw Nation.

It further appears from the record herein that under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there were filed on January 23, 1906, by Charles von Weise of Ardmore, Indian Territory, attorney for the petitioners, petitions verified by James A. Tucker and Rosa L. Tucker, respectively, praying that Rosa L., Roy E., Othe C., Claude A. and Minnie D. Tucker be enrolled as citizens of the Choctaw Nation.

It appears from the records of the Commission to the Five Civilized Tribes that on September 5, 1896, in the case entitled "James A. Tucker, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 298), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicant, James A. Tucker, as a citizen by intermarriage, and of the applicants, Rosa Tucker, Roy Tucker, Othe Tucker and Claud Tucker, as citizens by blood of said nation; and that on December 2, 1896, said Commission rendered its decision therein, denying the application for the enrollment of said applicants as citizens of the Choctaw Nation. From this decision of the Commission an appeal was taken to the United States Court for the Central District of the Indian Territory, as to the applicant, James A. Tucker, which court, in the case entitled, "James A. Tucker, et al., vs. Choctaw Nation", affirmed the decision of the Commission denying the application for the admission of said James A. Tucker as a citizen by intermarriage of the Choctaw Nation.

Thereafter, the record in the case of "James A. Tucker, et al., vs. Choctaw Nation" was certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 23, 1904, in the case of "James A. Tucker, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case, No. 128, Tishomingo Docket), said court rendered its decision therein,

wherein it was "ordered, adjudged and decreed that the petition of the plaintiff, James A. Tucker, be denied, and that he be declared not a citizen of the Choctaw Nation, and not entitled to enrollment as such citizen, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Rosy Tucker, Roy Tucker, Otho Tucker and Claude Tucker, the court having no jurisdiction, their petition is dismissed".

It appears from the record herein that James A. Tucker, who is a white man, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to Nancy Tucker, a white woman, whose name appears as number 1228 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior December 13, 1904; and that the minor applicants herein claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of above named James A. Tucker and Nancy Tucker.

I am of the opinion that following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11582-1904), the application and petition for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Rosa L. Tucker, Roy E. Tucker, Otho C. Tucker, Claude A. (or E.) Tucker, and Minnie D. Tucker as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress above cited, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

AUG 10 1906

7-B-311

Muskogee, Indian Territory, August 10, 1906.

James A. Tucker,

Duncan, Indian Territory.

COPY

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for your enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Rosa L. Tucker, Roy E. Tucker, Otha C. Tucker, Claude A. (or E.) Tucker and Minnie D. Tucker as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tame Dixby

Commissioner.

Registered.

Incl. 7-B-311. .

7-R-311

Muskogee, Indian Territory, August 10, 1906.

Rosa L. Tucker,
Duncan, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation, and Rosa L. Tucker, Roy E. Tucker, Otho C. Tucker, Claude A. (or E.) Tucker, and Minnie D. Tucker as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

John L. ...
Commissioner.

Registered.

Incl. 7-R-311.

7-B-311

Muskogee, Indian Territory, August 10, 1906.

J. P. Mullen,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation, and Rosa L. Tucker, Roy E. Tucker, Otho C. Tucker, Claude A. (or E.) Tucker, and Minnie D. Tucker, as citizens of said Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

T. J. B. B. B.
Commissioner.

Registered.

Incl. 7-B-311

7-B-311

Muskogee, Indian Territory, August 10, 1906.

COPY

Charles von Weise,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation, and Rosa L. Tucker, Roy E. Tucker, Otho C. Tucker, Claude A. (or E.) Tucker, and Minnie D. Tucker, as citizens of said Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tame Bixby

Commissioner.

Registered.

Incl.-7-B-311.

7-R-311

Muskogee, Indian Territory, August 10, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation, and Rosa L. Tucker, Roy E. Tucker, Otho C. Tucker, Claude A. (or E.) Tucker and Minnie D. Tucker, as citizens of said Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED.

Tamm
Commissioner.

Incl. 7-R-311.

Muskogee, Indian Territory, August 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application and petition for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation, and Rosa L. Tucker, Roy E. Tucker, Otho G. Tucker, Claude A. (or E.) Tucker and Minnie D. Tucker, as citizens of said Nation/, including the decision of the commissioner to the Five Civilized Tribes, dated August 10, 1906, denying said application and petition.

Respectfully,

Tamm Bixby
Commissioner.

2 Incl. 7-R-311.

Through the
Commissioner of Indian Affairs.

OR

D. C. 11762-1907

I. T. D. 28080- 1906.
LRS

Direct.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 25, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of December 10, 1906 (Land 69305), copy whereof is enclosed for your information, your decision of August 10, 1906, denying the application of James A. Tucker for his enrollment as an intermarried citizen of the Choctaw Nation, and denying his further application for the enrollment Rosa L. Tucker, Roy E. Tucker, Otho C. Tucker, Claude A. (or E.) Tucker and Winnie D. Tucker, as citizens of the Choctaw Nation, is hereby affirmed.

You will advise applicants and their attorneys of this action.

The record has this day been returned for the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

1 inc. and 2 inc.
for Ind. Of.

A. F. Mc.

2-26-07.

Land
69305-1906

D.C. 11762

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

December 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report of Commissioner Bixby, dated August 10, 1906, transmitting the record in the matter of the application of James A. Tucker for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation, and Rosa L., Roy R., Othe C., Claude A. (or E.) and Minnie D. Tucker, as citizens of the Choctaw Nation, including the decision of the Commissioner dated August 10, 1906, denying the application.

The applicant, James A. Tucker, who is a white man, claims his right to enrollment as a citizen of the Choctaw Nation by reason of his marriage to Nancy Tucker, a white woman, whose name appears as No. 1228 on a list prepared by the Commission under the provisions of the Act of July 1, 1902, (32 Stat. L., 641) of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Department December 13, 1904. The minor applicants herein claim their right to enrollment by reason of being the children of the above named James A. Tucker and Nancy Tucker.

According to the approved opinion of the Assistant Attorney General for the Department in the case of Emma McMenamin (I.T.D. 11, - 582-1904), the applicant, James A. Tucker, is not entitled to enroll-

ment as a Choctaw citizen, and it is recommended that his application be denied.

The rights of the Minor applicants herein, Rosa L., Roy E., Othe C., Claude A. (or E.) and Minnie D. Tucker, to enrollment as citizens of the Choctaw Nation should be denied, in accordance with Departmental ruling of July 18, 1906, in the case of William Jesse Bacon (I.T.D. 8008-1905, 2549-1906).

It is recommended that the Commissioner's decision to that effect be approved.

Very Respectfully,

O. F. Larrabee,
Acting Commissioner.

ALW-ED

7-R-51

Muskogee, Indian Territory, April 17, 1907.

James A. Tucker,

Duncan, Indian Territory.

Dear Sir:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for your enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Rosa L. Tucker, Roy R. Tucker, Otho C. Tucker, Claude A. (or E.) Tucker and Minnie D. Tucker, as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-311

Muskogee, Indian Territory, April 17, 1907.

Rosa L. Tucker,

Duncan, Indian Territory.

Dear Madam:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation, and Rosa L., Roy E., Othe C., Claude A. (or E.) and Minnie D. Tucker as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

8-R-311

Muskogee, Indian Territory, April 17, 1907.

J. P. Mullen,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation, and Rosa L. Tucker, Roy E. Tucker, Otho C. Tucker, Claude A. (or E.) Tucker, and Minnie D. Tucker, as citizens of said nation.

Respectfully,

Commissioner.

7-R-311

Muskogee, Indian Territory, April 18, 1907.

Charles von Weise,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation, and Rosa L. Tucker, Roy E. Tucker, Otho C. Tucker, Claude A. (or E.) Tucker, and Minnie D. Tucker as citizens of said nation.

Respectfully,

Commissioner.

7-K-311

Muskogee, Indian Territory, April 17, 1907.

Mansfield, McKerray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application and petition for the enrollment of James A. Tucker as a citizen by intermarriage of the Choctaw Nation, and Rosa L. Tucker, Roy E. Tucker, Otha C. Tucker, Claude A. (or E.) Tucker, and Minnie D. Tucker as citizens of said nation.

Respectfully,

Commissioner.

A

L.M.

S. 6

DEPARTMENT OF THE INTERIOR,
WASHINGTON. April 16, 1900.

Mr. Joseph P. Mullen,
Ardmore, Indian Territory.

Sir:

The Department is in receipt of your letter of January 30, 1900, with postscript of the 7th instant, transmitting certain papers in regard to the application for enrollment as Choctaw Indians of James A. Tucker and his children.

You state that on December 5, 1899, the Commission to the Five Civilized Tribes took the statement of Tucker, under oath, but refused to receive the application, affidavits &c.

You are advised that the Department will not consider the right of anyone to be enrolled in said nation until the roll provided for in the act of June 28, 1898 (30 Stat., 495), has been submitted to it by the commission. The commission having misunderstood the regulations approved August 8, 1898 (copy herewith enclosed), it was instructed, on December 26, 1899, as follows:

"All applicants for enrollment must, under the regulations approved August 8, 1898, present themselves in person, and whenever it appears to the Commission that it is without jurisdiction, it should deny the application and should file and retain such papers as have been presented in support of the application, and should make a complete record of the matter, explicitly stating therein the grounds upon which the application is denied, and should advise the parties in interest, in writing, of the decision in order that they may understand fully the cause of rejection, and in order that the matter may be considered by the Secretary of the Interior when the rolls are presented for approval."

262
-2-

The papers transmitted by you are, therefore, returned herewith, and you are advised that if Tucker desires he can request the commission to file them in accordance with said instructions. Should it then refuse or neglect to make a proper record in the case, the Department, its attention being called, to the matter, would properly instruct the commission.

Respectfully,

Thos. Ryan
Acting Secretary.

Ind. Ter. Div.
1310-1900.
4 enclosures.

Muskogee, Indian Territory, July 20, 1900.

Mr. J. P. Mullen,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of July 5th, inclosing application for enrollment as citizens of the Choctaw Nation of James A. Tucker et al. of January 20th, 1900 and letter of the Honorable Secretary of the Interior of April 10th, addressed to you and a copy of the letter of instructions issued by the Commissioner of Indian Affairs to this Commission, all of which have been filed with the records in the case of James A. Tucker et al. vs the Choctaw Nation.

The state in your letter that Mr. Tucker appeared before this Commission at its appointment in 1898 on December 15th, 1899, and at the time made a statement under oath concerning his claim, but that Commissioner McMahon, acting as clerk of the Commission, at that time refused the enrollment of himself and his three children, that he then asked leave to file the application above referred to, but was refused, and that the same was subsequently forwarded to the Honorable Secretary of the Interior, who returned them to you with a letter of instructions as above referred to, and which you now desire to submit to this Commission for consideration and action.

You request that the statement made by Mr. Tucker at Armore

J.P.M. 2.

on December 8th, 1899, together with the inclosures in your letter, and the report of the Commission be forwarded to the Honorable Secretary of the Interior for his consideration when the final rolls of the citizens of the Choctaw Nation are sent to him for approval. You also state that Mr. Tucker stands ready to appear before this Commission at any time that the Commission may direct, to the end that the Commission and the Honorable Secretary of the Interior may be fully advised as to the facts in his case and that of his wife and minor children.

You are informed that the records of the Commission show that Mr. Tucker appeared before the Commission as an applicant for the enrollment of himself and family at Atoka, December 4th, 1899, and that from his statements made under oath at that time, the Commission was unable to identify him as being entitled to enrollment as a citizen of the Choctaw Nation, and that the judgment of the Commission rendered at that time was as follows:

"Your enrollment and theirs, (referring to his children) will be refused because you are all white people and the Commission holds that you would not be entitled to enrollment."

The record further shows that:

"Hinnie B. the last above named child, found to be on card with its mother. Note was made on this card showing this to be a white child. The record of the Dawes Commission, 1896, shows that James A. Tucker, and above named children were rejected by the Dawes Commission; appeal to the United States Court; judgment sustained."

The action of the Commission in 1896 denying the application of these parties to citizenship in the Choctaw Nation, and the

J.P.M. 2.

judgment of the United States Court on appeal from the decision of the Commission sustaining the same, became final as to the jurisdiction of this Commission to further consider the case of these applicants. In accordance with the judgment, upon the personal appearance of Mr. Tucker on December 4th, 1899, the Commission refused to enroll them as citizens of the Choctaw Nation. The action of this Commission as to their application for enrollment at that time, while subject to review by the Honorable Secretary of the Interior, is final as to the action of this Commission.

The Commission is of the opinion that there was a sufficient statement taken under oath at the time of Mr. Tucker's appearance on which the Commission can base a decision, and also upon which the Honorable Secretary of the Interior could act when the case of Mr. Tucker is brought before him for final review and action. The instructions of the department, however, as to the filing of additional evidence will be complied with, and the papers submitted by you have been duly filed with the records in this case.

You state that Mr. Tucker holds himself in readiness to now appear before this Commission, and you are informed that if he still desires to further present his claim in person that the Commission will hear him, but that such testimony as he may give on such personal appearance will not be considered by this Commission in behalf of his claim, but will be forwarded to the Honorable Secretary of the Interior for his consideration when the final rolls of the

J.P.M. 4.

citizens of the checker Nation are sent to him for approval.

Yours truly,

Asking chairman.

In reply to this letter,
please refer to 7-8 111.

7-R-311

Muskogee, Indian Territory, November 27, 1905.

Charles von Weise,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 23, 1905, asking the status of James A. Tucker and his children Rosa L., Roy E., Otho C., Claude E., and Minnie D. Tucker as applicants for citizenship rights in the Choctaw Nation; you state that the mother of these children is Nancy Tucker an enrolled citizen by intermarriage of the Choctaw Nation.

In reply to your letter you are advised that James A. Tucker was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court while the applications for the enrollment of the children above named were dismissed by said court. No action has been taken by this office on the application for the enrollment of Rosa L., Roy E., Otho C., Claude A., and Minnie D. Tucker for enrollment as citizens of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-R-311

Muskogee, Indian Territory, April 12, 1906.

J. L. C. Guest,
Attorney at Law,
Duncan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 7, 1906, asking if James A. Tucker is a recognized citizen by intermarriage of the Chickasaw Nation and if he has children who are recognized citizens of said nation.

In reply to your letter you are advised that on November 29, 1904, the Choctaw and Chickasaw Citizenship Court denied the citizenship of James A. Tucker as an intermarried citizen of the Choctaw Nation and dismissed the application for the enrollment of his children Rosa L., Roy E., Otho C., and Claud A. Tucker as citizens of said nation.

Respectfully,

Acting Commissioner.

Choc. R. 312

George W. Tucker

R. 312

In the matter of the application of George
W. Tucker, et al for enrollment as citizens
by blood of the Choctaw Nation and for the
enrollment of Emma Wallace Tucker as an
inter-married citizen of the Choctaw Nation

CHOCTAW

In the matter of the application
of George W. Tucker, et al., for en-
rollment as citizens by blood of the
Choctaw Nation and for the enrollment
of Emma Wallace Tucker as an inter-
married citizen of the Choctaw Nation

REFUSED, MAY -9 1902

**COPY OF DECISION FORWARDED
APPLICANT**

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902**

RECORD FORWARDED DEPARTMENT.

MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902**

Commission to the Five Civilized Tribes,

South Webster, Ind. Terr.

In the application of George W. Tucker for enrollment as a
ghostaw; being sworn and examined by Com'r McKennon he states;

Q What is your name? A George W. Tucker.

Q How old are you? A Forty-three.

Q Have ever you been enrolled upon the ghostaw rolls? A No sir.

Q Were your father and mother ever enrolled here? A My
mother was.

Q When was your mother enrolled? A In April Don't remember.

Q Is she dead? A Yes sir, she has been dead about fifteen
years I suppose.

Q You say she was on the ghostaw rolls? A Yes sir.

Com'r McKennon: We have no knowledge of any such enroll-
ment, and then if she had been, you never having been on the
rolls, you could not be enrolled; we have no authority to
enroll you. Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath, as
stated above, to be a true and correct copy of the
transcript in writing, and a correct translation of
my stenographic notes.

M. D. Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Oelbert, I. T., June 18, 1900.

In the matter of the application of George W. Tucker et al
for enrollment as Choctaw citizens; being sworn and examined by
Acting Chairman Bixby he testifies as follows:

- Q What is your name? A George W. Tucker.
Q What is your age? A Forty-six.
Q What is your post-office address? A Witte, I. T.
Q How long have you lived in the Indian Territory? A I have
been living in the Territory about something near twenty years.
Q Where did you live before you came to the Indian Territory?
A In Tennessee, I was born in Tennessee.
Q What is your father's name? A Terrell Tucker.
Q Is he living? A No sir, he is dead.
Q Was he a white man or an Indian? A White man.
Q What is the name of your mother? A Jane Frontier Tucker.
Q Is she living? A No sir, she is dead.
Q Was she a Choctaw Indian or a white woman? A Choctaw,
Q What proportion of Choctaw Indian blood did she have? A
Half-breed.
Q Was her name ever on the Tribal rolls? A Yes sir, I suppose
so, to the best of my knowledge it was on the rolls.
Q When was it on the rolls? A Well on the old rolls I sup-
pose.
Q You think she was recognized by the Choctaw Tribal authorities
as a Choctaw Indian do you? A Yes sir.
Q What proportion of Choctaw blood have you? A I claim about
one-fourth.
Q Has your name ever appeared upon the Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a
Choctaw Indian? A Yes sir, I have always been recognized in the
Territory.
Q You mean that your friends and neighbors have recognized you
don't you? A Yes sir.
Q You don't mean that your name has ever been on the Choctaw
Tribal rolls? A No sir.
Q Did you ever apply to the Choctaw Tribal authorities for enroll-
ment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1897? A No sir.
Q Did you apply to the Dawes Commission in 1899? A Yes sir.
Q At what points? A South McAlester.
Q At the time of your application in 1899 at South McAlester
did you then claim to be a Choctaw by blood, or a Mississippi Choctaw?
A Claimed to be a Choctaw by blood.
Q What is your wife's name? A Emma Wallace Tucker.
Q How old is she? A She is thirty-seven.
Q What was her father's name? A Mike Wallace.
Q Is he living? A No sir, he is dead.
Q What is her mother's name? A Emma Wallace.
Q Is she living? A No sir, she is dead.
Q Is your wife a white woman? A Yes sir.
Q Did she ever claim to belong to any Indian Tribe? A No sir.
Q Did you marry her under Choctaw law? A No sir.
Q Where did you marry her? A At Van Buren Arkansas.
Q When? A In the spring of 1880.
Q Do you wish to file your marriage license and certificate?
A Yes sir.
Q Have you got them with you? A No sir, I never thought
about bringing them.
Q Your children live at home with you? A Yes sir.
Q Their post-office address and residence has always been the
same as your own? A Yes sir.
Q What are the names of your children?

George W. Tucker et al #2

Tucker, eighteen years old; Leona Tucker, seven years old.

Q Is there anything else you would like to say at this time in regard to your case? A Yes sir, I have some papers I would like to file.

Note: Affidavit of George W. Tucker, Harriet Gordon and Maggie Richardson offered in evidence, marked Exhibit "A" and made a part of the record.

Q Harriet Gordon is your sister? A Yes sir.

Q She was admitted by the United States Court for the Southern District? A Yes sir.

Q You didn't make application to the Dawes Commission in 1896, you didn't get into any of these cases at all? A No sir, no nor my youngest brother either one.

The enrollment of yourself and your children as Choctaws by blood, and of your wife as an intermarried citizen of the Choctaw Nation is refused, for the reason that your names do not appear upon the Tribal rolls of the Choctaw Nation now in the possession of this Commission, and for the additional reason that it appears from the testimony in this case and the records in our possession that neither you nor any member of your family have ever been recognized by the lawfully constituted tribal authorities of the Choctaw Nation as citizens of said Nation, and neither you nor any member of your family were admitted to Choctaw citizenship by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896 or by a judgment of the United States Court in the Indian Territory.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 24 day of June 1900.


Acting Chairman.

(COPY)

George W. Tucker, -Plaintiff-

-vs-

The Choctaw Nation defendant.

To the Commission to the Five Civilized Tribes , at Muskogee, Ind.Ter.

Your Petitioner would most respectfully represent that his name is George W. Tucker -that his P. O. is Velma, I. T. and that he is 45 years of and that he is a member of the Choctaw Tribe or Nation of Indian by blood. Plaintiff would state that his mothers name was Jane Tucker and that he maiden name was Jane Frazier. That in the Year 1846 she was duly and legally married to Carroll Tucker- and that of this Union there were the following children born-to wit;- Mary, Jackson, Harriet, Thomas, George (this applicant), and Maggie F.

That Jane Tucker-nee Frazier was a one half blood Choctaw Indian- and as such was always recognized by the Choctaw Authorities- and her neighbors.

That this applicant is a brother to Harriet Gordon-whose name appears above-her maiden name being Tucker-who is a One Fourth Blood Choctaw Indian-and as such has been recognized by the Choctaw Authorities-and has been enrolled by the United States Court in and for the Southern District of the Indian Territory-as shown by the Judgment in case No. _____ - hereto attached, Marked Exhibit "A" and was a part of this application.

That he is a Brother of Maggie F. Richardson-whose name appears above-her maiden name being Tucker who is also a one Fourth Blood Choctaw Indian-who has been so recognized-having been on the Choctaw roll of Citizens by Blood-for years past-she having always drawn annuity Money

That in the year 1896 she filed her application for citizenship before the Commission to the Five Civilized tribes-and was by them admitted -and no appeal taken therefrom by the Choctaw Authorities. Applicant would further state that in the year 1879-he was married to Emma Wallace and that of this union there has been two Children Born, towit:-Jacob T.Tucker and Leonie Tucker-aged respectively 18 and 6 years.

Wherefore your petition would pray that he be enrolled by your Hon.Commission as a member of the Choctaw Tribe or Nation of Indians-together with his wife and two children.

(Signed) Geo. W. Tucker.

Indian Territory-)
Southern District.) SS.

Before me the undersigned authority this day appeared Geo. W. Tucker-known to me to be the person whose name appears of the foregoing instrument-who after being duly sworn on oath states that the matters and facts set forth in the same are true.

(Signed) Geo. W. Tucker.

Subscribed and sworn to before me this the 15th day of Aug., 1899.

(Signed) Harry T. Gilbert,

Notary Public /

(SEAL)

Indian Territory-)
Southern District.) SS.

Before me the undersigned authority this day appeared Harriet Gordon-who being duly sworn on oath states-that her maiden name was Harriet Tucker and that she was married to McFatridge. She states-Jane Frazier who afterwards married Carroll Tucker was my mother-and died when I was about thirty eight years of age. I lived with her until I was married, and I know that she was a Half blood Choctaw Indian. You could tell very easily by looking at her-and aside from that she was always recognized as such by her Neighbors and the Choctaw Authorities. She was on the Choctaw Roll. Geo. W. Tucker the applicant herein is my brother - I was present when he was born. He is younger than I am. I am on the Choctaw Roll. I was placed there by the United States Court. I am one fourth Blood. I have no other interest in the result of this case save that Justice may be done.

(Signed) Harriet Gordon, her X mark.

Attest. U. R. Burton.

Subscribed and sworn to before me this the 15th day of Aug. 1899.

Harry V. Gilbert

Notary Public.

Indian Territory-
Southern District, 1888.

Before me the undersigned authority this day appeared Maggie F. Richerson who being duly sworn on oath states that My name is Maggie F.W. Richerson-my maiden name was Tucker. I am 40 years of age and my P. O. address is Arthur, I. T.

My Mothers name was Jane Tucker and her maiden name was Jane Frazier. I am acquainted with the applicant herein, Geo.W. Tucker. He is my Brother. He is a one fourth Choctaw Indian by blood. I am the same I have been the Choctaw Rolls for years past and have drawn annuity money for all that time. In the year 1896 I filed an application for citizenship before the Commission to the Five Civilized tribes-because I thought it might be the safest-and was by them admitted.

No appeal was ever taken by the Choctaw Authorities from the decision of the Commission-and I am now on the Roll made up by them from the cases that were admitted by the and no appeal taken by the authorities.

My mother married Z.L. Sledge after my father Carroll Tucker died, and by this union had two Children, William Sledge and Daniel Sledge one of whom, William Sledge is now on the Roll of Choctaw Indians by blood. He is my half brother and a half brother of the Applicant herein. I have no interest in the result of this case save that Justice may be done.

(Signed) Maggie F. Richerson (Her X mark)
Attest U. R. Burton.

Subscribed and sworn to before me this the 15th day of August, 1899.

Harry F. Gilbert,
Notary Public.

Endorsed: Filed Jun 18 1900 Commission to Five Tribes.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Tucker for the enrollment of himself and his two minor children, Thomas Tucker and Leona Tucker, as citizens by blood, and for the enrollment of his wife, Emma Wallace Tucker, as a citizen by intermarriage, of the Cheetaw Nation.

--- DECISION ---

The record in this case shows that the principal applicant, George W. Tucker, appeared before the Commission at South McAlester, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of himself as a citizen by blood of the Cheetaw Nation, and that thereafter, on June 20, 1900, at Colbert, Indian Territory, the principal applicant again appeared before the Commission, and then and there renewed his former application for himself, and made application for the enrollment of his two minor children, Thomas Tucker and Leona Tucker, as citizens by blood of the Cheetaw Nation, and for the enrollment of his wife, Emma Wallace Tucker.

(2).

er, as a citizen by intermarriage of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicants have never been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that these applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 521).

Neither does it appear that Ezra Wallace Tucker, for whom application is made as an intermarried citizen of the Choctaw Nation has ever been married in accordance with the tribal law of the Choctaw Nation to a recognized and enrolled citizen by blood of that Nation.

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the twenty-first section of the act of June 23 1898, (30 Stats., 408), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September

(3).

twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant was on the 19th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right for himself and his children to identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."


It is, therefore, the opinion of this Commission that George W. Tucker, Thomas Tucker, Leona Tucker and Emma Wallace Tucker are not lawfully entitled to be enrolled as members of the Choctaw

(4).

Tribe of Indians in Indian Territory, and that their application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory

MAY -9 1902

Chectaw R 313

COPY.

Muskogee, Indian Territory, May 9, 1908.

George W. Tucker,

Witte, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself, your two minor children, Thomas and Leona Tucker and your wife, Emma Wallace Tucker as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles*

Commissioner in Charge.

Register.

Enc Y 4

COPY:

Chectaw R 512

Muskogee, Indian Territory, May 9, 1902.

Messrs Mansfield, McMurray & Cernish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George W. Tucker, Thomas Tucker, Leona Tucker and Emma Wallace Tucker as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

CHIEF, *T. B. Needles*

Commissioner in Charge.

Enc Y 3

COPY.

Waskagee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of George W. Tucker for the enrollment of himself and his two minor children, Thomas and Leona Tucker, and his wife, Emma Wallace Tucker, as citizens of the Chectaw Nation, including the decision of the Commission, dated May 9, 1902, refusing the application for the enrollment of George W., Thomas, Leona, and Emma Wallace Tucker as citizens of said nation.

Respectfully,

(SIGNED) *I. B. Needles,*
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 inclosure.

COPY.

Land.
29,240-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, June 2, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record in the matter of the application of George W. Tucker, for the enrollment of himself and his two minor children, Thomas and Leona Tucker, as citizens, by blood, and for the enrollment of his wife, Emma Wallace Tucker, as a citizen by intermarriage, of the Choctaw Nation.

From the record it appears that none of the applicants herein were ever enrolled, admitted or recognized as Choctaw citizens.

It is the opinion of this office that under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll said applicants.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,
Your obedient servant,

(E. B. S.) P.

A. C. Tonner.
Acting Commissioner.

COPY

DC 10031

34070

DEPARTMENT OF THE INTERIOR.

P.

Washington.

I.T.D. 3459-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in the matter of application for enrollment of George W. Tucker, and his minor children, Thomas and Leona Tucker, as citizens by blood, and his wife, Emma Wallace Tucker, as an intermarried citizen of the Choctaw Nation. You refused the application because none of the applicants has ever been duly enrolled or admitted to citizenship in said nation. A copy of the Acting Commissioner of Indian Affairs' letter of June 2, recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan.

Acting Secretary.

RM.U.

1 inclosure.

Choc. R 312

COPY.

COPY.

Muskogee, Indian Territory, June 23, 1902.

George W. Tucker,

Witte, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself, your wife, Emma Wallace Tucker, and your minor children, Thomas and Leona Tucker, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED).

I. B. Needles.

Commissioner in Charge.

Chóc. E 512

COPY.

Mankegoe, Indian Territory, June 23, 1902.

Manfield, McTurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by George W. Tucker for the enrollment of himself, his wife, Emma Wallace Tucker, and his minor children, Thomas and Leona Tucker, as citizens of the Chectaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-08

REFER IN REPLY TO THE FOLLOWING

Choctaw R-312

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES:

Muskogee, Indian Territory, February 19, 1902.

In the matter of the application)
for enrollment of Geo. W. Tucker,)
for himself and two children:)
Thos. Tucker and Leona Tucker, as)
citizens by blood, and for his)
wife, Emma Wallace Tucker, as a)
citizen by intermarriage, of the)
Choctaw Nation.)

To George W. Tucker,

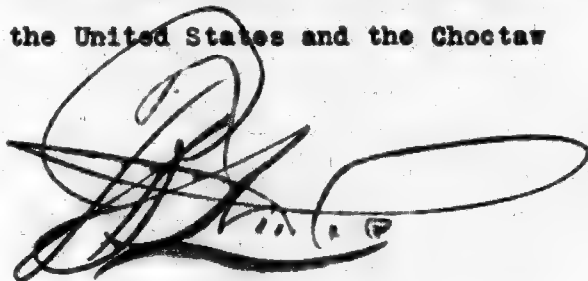
Witteville, Indian Territory.

You are hereby notified that you, your wife and two children will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that yourself, your wife and your children are entitled to be identified as Mississippi Choctaws, under the Act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

G. W. T., 2.

Such affidavit must be sworn to by yourself and by the corroborating witnesses and must set forth the fact that you and your family are descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, featuring a prominent loop at the top and a long, sweeping underline.

Commissioner in Charge.

Register.

Muskogee, Indian Territory, April 14, 1905.

George W. Tucker,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Tura B. Tucker and A. Harris to the birth of Docia May Tucker, child of George W. and Tura B. Tucker, October 26, 1904.

You are advised that it appears from our records that George W. Tucker, now about forty-six years of age, son of Terrell and Jane Frazier Tucker, and his wife Emma Wallace Tucker, and his children Thomas and Leona Tucker were applicants to this Commission for enrollment as citizens of the Choctaw Nation and on May 9, 1902, the Commission rendered its decision refusing this application. On June 23, 1902, the Department approved this action of the Commission and the Commission therefore considers this case closed and is without authority to enroll children of said George W. Tucker.

If you are not the George W. Tucker referred to and will state your age, the names of your parents, the time and place application was made for your enrollment and if you have selected an allotment of the lands of the Choctaw or Chickasaw Nations your roll number as it appears upon the certificate of allotment, referring in your reply to Choctaw R 312, the matter

U. W. T. #2

of the enrollment of this child will receive further consideration.

Respectfully,

Commissioner in Charge.

REFUSED.

MEMORANDA.

JUN 18 1900

JUN 18 1900

Name George W. Tucker (46) (Date) Witte, J.J.

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? yes (1/4) Mother's citizenship CHOCTAW. (1/2)

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Wife's name, Emma Tucker (38) ←

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? (yes)

Married under what law? Mike Wallace, (f) Dead

License filed this day Emma Wallace, (m) Dead

Names of children:

18. Thomas (m)
7. Leona (f)

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

(Father) Terrell. Tucker,
(Mother) Jane F. Tucker, Dead

Return to sender
Charlie not here



Department of t

Commission to the Five
MUSKOGEE, IND.

OFFICIAL BUSINESS

Penalty for private use, \$3.

2651

George W. Tucker,
Witteville,
Indian Territory.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

7443
5491

This man has not
been here for last
two years
P.M.

George W. Tucker
Witteville
J. J.

7.31

CHOCTAW.

Almeda O Tyler.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 371

Choc. R. 314

James R. Type

R. 314

In the matter of the application for
the enrollment of James P. Type as a
citizen of the Choctaw Nation.

REFUSED.

RECEIVED

MAY 19 1902

DECISION
APPLICANT

MAY 19 1902

DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKSAW NATIONS.

MAY 19 1902

CORD FORWARDED DEPARTMENT MAY 19 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the application of James P. Tye for enrollment as a choctaw being sworn and examined by com'r McKennon he states:

- Q What is your name? A James P. Tye.
Q How old are you? A Thirty-two.
Q Are you on the choctaw rolls? A No sir.
Q Have you ever been? A No sir.
Q Have your father and mother ever been put on the choctaw rolls? A Not as I know of.
Q Where do you live? A At Erin Springs, Chickasaw nation.
Q How long have you lived there? A Ever since 1893.
Q Where did you come from? A North-west Arkansas.
Q Did you ever live in the Nation until you came in 1893?
A No sir.
Q Have you been living here ever since? A Yes sir.
Q Did you apply to the Dawes commission in 1896? A No sir.

Com'r McKennon: Not being on the rolls, enrollment is refused; we have no authority to enroll you.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----00-----

In the matter of the application of James P. Tye for the enrollment of himself as a citizen of the Choctaw Nation.

D E C I S I O N.

The record in this case shows that the applicant, James P. Tye, appeared before the Commission at South McAlester, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in ac-

accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 23, 1896, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1896, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokees), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221) provides:




"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that James P. Eye is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

MAY 19 1902


Acting Chairman.

Commissioner.

Commissioner.

COPY.

7-24514

Muskogee, Indian Territory, May 19, 1902.

James P. Iya,

Wren Springs, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Edw. Dwyer

Acting Chairman.

I inclose.
Registered.

COPY.

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurtry & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of James P. Tye for the enrollment of himself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

James P. Tye

Acting Chairman.

1 inclosure.

CO

7-2-214

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of James P. Tye for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of James P. Tye as a citizen of said Nation.

Respectfully,

J. M. Doby.

Acting Chairman.

1 enclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Lami.
30,960-1902.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.

Washington, June 9, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit, herewith, the record of proceedings in the matter of the application of James P. Tye for enrollment as a Chectaw citizen.

From the record it appears that this applicant is not on the Chectaw rolls, never has been, or has ever been admitted or recognized as a Chectaw.

Under the existing law the Commission had no authority to enroll this applicant and I respectfully recommend that the decision of the commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Texner,

Acting Commissioner.

(H.S.B.)
P.

COPY.

D.C.10849-1902.

P.

Department of the Interior.

I.T.D.3601-1902.

L.R.S.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of James P. Tye as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Chester 2 314.

Muskogee, Indian Territory, July 1, 1902.

James P. Tye,

Erin Springs, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chester Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COPY.

Chester R 314.

Muskogee, Indian Territory, July 1, 1908.

Hansfield, McHurray & Gornish,
Attorneys for the Chestatee and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application made by James R. Ewe for the enrollment of himself as a citizen of the Chestatee Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Choc. R. 315

Joseph Wall

R. 315

In the matter of the application for the enrollment of Joseph Wasll as a citizen of the Choctaw Nation.

In the matter of the application for
the enrollment of Joseph Walker as a
member of the Choctaw Nation.

REFUSED.

MAY 19 1902

MAY 19 1902

MAY 19 1902

RECORD FORM 1000 DEPARTMENT MAY 19 1902

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

JUN 1 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Joseph Wall for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Joseph Wall.

Q How old are you? A Sixty.

Q You have never been on the Choctaw rolls have you? A No sir.

Q Were your father and mother ever on the rolls here in the Choctaw Nation? A I don't know.

Q When did your father die?

A He has been dead ever since I was a little fellow.

Q When did your mother die?

A She died when I was small.

Q Where did they die? A I don't remember.

Com'r McKennon: Your enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph Wall for enrollment as a citizen of the Choctaw Nation.

--: D E C I S I O N :--

The record in this case shows that the applicant, Joseph Wall, appeared before the Commission at Atoka, Indian Territory, at its session beginning December 4, 1899, and ending December 6, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in ac-

accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 19th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Joseph Wall is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskegee, Indian Territory.

MAY 19 1902

7-2-115
COPY.

Muskogee, Indian Territory, May 10, 1902.

Joseph Wall,

Atoka, Indian Territory,

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.
Registered.

7-12-113

COPY.

Muskogee, Indian Territory, May 18, 1902.

Messrs. Mansfield, McMurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Joseph Wall as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

J. C. Gentry
Acting Chairman.

1 inclosure.

7-R-315

COPY

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Joseph Wall for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Joseph Wall as a citizen of said Nation.

Respectfully,

Acting Chairman.

1 enclosure.

Through the Commissioner of Indian Affairs.

Land. 30,860-1902.

Department of the Interior.

Office of Indian Affairs.

Washington June 12, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit, herewith, the record of proceedings in the matter of the application of Joseph Hall for enrollment as a Chectaw citizen.

The Commission refused enrollment.

From the record it appears that this applicant was never on the Chectaw rolls and was never recognized as a Chectaw.

It is the opinion of this office that the Commission had no authority to enroll the applicant and I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tamm,

Acting Commissioner.

(E.S.S.)

COPY.

D.C.10527-1902.

Department of the Interior.

I.T.D.3719-1902.

L.R.S.

Washington June 19, 1902.

Commission to the Five Civilized Tribes,

Muskegee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Joseph Wall as a citizen of the Chectaw Nation. You refused his application because he has never been enrolled or admitted as a Chectaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY

Choctaw 2-216.

Muskogee, Indian Territory, July 1, 1902.

Joseph Wall,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw B-316.

Muskogee, Indian Territory, July 1, 1902.

Mansfield, McMurray & Gornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Joseph Wall, for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

E. B. Needles.

Commissioner in Charge.

Reg 250
223.

RETURN TO WRITER
UNCLAIMED



Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

7829

Joseph Wall,

Atoka,

Indian Territory.

Unknown

Reg. 131
113



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

2625



Indian Territory.

CHOCTAW

R.31

Obediah B. Waller.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #154.

R 317

Joe D. Haller.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 156.

Choc. R. 318

Young H. Wade

R. 318

DECLINED TO SIGN A
DECLARATION OF THE CHOCTAW NATION
REFUSED.

MAY 19 1902

DECISION FORWARD
APPLICANT

MAY 19 1902

NOTICE TO ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS
CLEARANCE

MAY 19 1902

RECORD FORWARDED DEPARTMENT MAY 19 1902

**ACTION APPROVED BY
SECRETARY OF INTERIOR.** JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUL -1 1902

Commission to the Five Civilized Tribes,
Gadde, Indian Territory.

In the enrollment of Young H. Wade as a Choctaw; being sworn
and examined by Com'r McEnany he testifies as follows:

- Q What is your name? A Young H. Wade.
Q How old are you? A Forty-four.
Q Where do you live? A I live in the Chickasaw nation.
Q When did you come from Texas? A Four years ago.
Q You were born and raised in Texas? A Yes sir.
Q You were never on the Choctaw rolls were you? A No sir.
Q Your father and mother were never on these Choctaw rolls?
A No sir.

Com'r McEnany: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath,
that this is a true and correct translation of
the original record.

McEnany

7-2-218

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----000-----

In the matter of the application of Young H. Wade for the enrollment of himself as a citizen of the Chectaw Nation.

D E C I S I O N.

The record in this case shows that the applicant, Young H. Wade, appeared before the Commission at Caddo, Indian Territory, at its session beginning August 21, 1899, and ending August 28, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Chectaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Chectaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Chectaw Nation, nor does his name appear upon any of the tribal rolls of the Chectaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Chectaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Chectaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in an-

accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 19th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made to said notice by the applicant.

The act of Congress of June 23, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Young H. Wade is not lawfully entitled to be enrolled as a member of the Cheateau tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


R. B. Buchanan
Commissioner.

Muskogee, Indian Territory.

MAY 19 1902

7-2-316

COPY

Muskogee, Indian Territory, May 19th, 1902.

Young H. Wade,

Caddo, Indian Territory,

Dear Sir:-

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

Acting Chairman.

1 inclosure.
Registered.

7-2-210

Muskogee, Indian Territory, May 19th, 1902.

Messrs. Mansfield, McKim & Cernish,
Attorneys for the Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Young H. Wade as a citizen of the Cheetaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

7-R-318

Muskegee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Young H. Wade as a citizen of the Cheetaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Young H. Wade as a citizen of said Nation.

Respectfully,

Acting Chairman.

1 enclosure

Through the Commissioner
of Indian Affairs.

COPY.

(COPY)

Refer in reply to the
following:
Land.
30,960-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, June 12, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record of proceedings in the matter of the application of Young H. Wade for enrollment as a Choctaw citizen.

The application was rejected by the Commission.

The applicant was never enrolled or recognized as a Choctaw citizen and therefore was not entitled to enrollment under the existing law.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

(E.S.B.) P.

COPY.

D.C. 10641-1902.

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3716-1902.

WASHINGTON.

June 19, 1902.

L R 8

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Young H. Wade as a citizen of the Choctaw Nation. You rejected the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner's letter is inclosed, in which he recommends approval of your decision.

Finding no objection to the same, the Department affirms said decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

END

COPY.

Chester E. ELS.

Mustoge, Indian Territory, July 1, 1908.

Young E. Wade,

Osage, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 10, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Chester Nation.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

COPY.

Chester E. 310.

Muskogee, Indian Territory, July 1, 1908.

Mansfield, McMurray & Gernish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application made by Young E. Wade for the enrollment of himself as a citizen of the Chectaw Nation.

Yours truly,

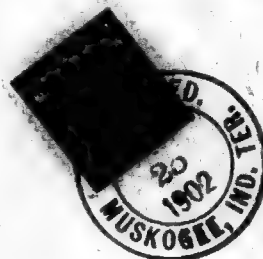
(SIGNED)

T. E. Needles

Commissioner in Charge.

Reg $\frac{94}{86}$

Present-Address unknown



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Young H. Wade,

~~Caddo,~~

~~Indian Territory.~~



Reg $\frac{239}{228}$

should be returned
sent to the person



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Young H. Wade,

~~Caddo,~~



Choc. 8.31

Amador, A. M. 1910

In the matter of the Application for
the enrollment of Amanda Wampler, et
al as citizens by blood of the Choctaw
Nation.

in the matter of the application
for the enrollment of Amanda Temple
et al., as citizens by blood of the
Choctaw Nation.

REFUSED. MAY -9 1902

**COPY OF DECISION FORWARDED
APPLICANT** MAY -9 1902

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.**

MAY -9 1902

**COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.** MAY 9 1902

RECORD FORWARDED DEPARTMENT.

MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.** JUN 23 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.** JUN 23 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.** JUN 23 1902

N. M. WILLIAMS.

ATTORNEY AT LAW.

Office in the Carey & Fitzpatrick building.

Chickasha, I. T., 1897

Indian Territory }
Southern District }

Before me the undersigned
authority on this day personally
appeared N. M. Williams well known
to me who after being duly sworn
deposes and says, that on the 21st day
of Aug 1897 he mailed by registered
mail to Hon. Green M. Curtis at Seaboard
I. T. some being the home & post office address
of M. Curtis, and he being ^{Principal} Chief of Choctaw
Nation) a ^{true} copy of attached application
and evidence & that the same was
duly forwarded by mail - That his
registered receipt is hereto attached

N. M. Williams
Subscribed and sworn to before me
this 27 of Aug 1897 J. E. Riddle

J. E. Riddle

*Part office
Minor
J.T.*

To the Hon. Indian Commission to the five civilized tribes of Indians

Hon. _____ Dawes chairman of said Commission Ft. Gibson I.T

Mary Wampler et.al.
vs.
Choctow Nation.

Application for Enrollment.

Now comes the applicants Mary Wampler, Victoria E
~~XXXXXXXXXXXX~~ Stafford, Campbell Lenochoan, (a boy 13 years of age),
George Wampler (a boy 8 years old), John Wampler (a boy 4 years old), Edgar
Wampler (a boy 15 months old), Pearl Snider (a girl 11 years old), Esther
Snider (a girl 9 years old), Buhler Snider (a girl 7 years old), Mamie
Campbell Linn, (a married woman) 19 years old and her children Ida Linn
(a girl three years old) ~~and~~ Linn (a girl one year old) and Lilly Campbell
Roberson a married woman. your petitioners state, that Mary Wampler is
a daughter of Ellen Foster who was a Choctow Indian by blood and was so
recognized by the choctow indians and enjoyed all the privileges of a
Choctow indian, that she was recognized and declared a choctow indian
by act of the Choctow indians passed in the year 1888 and is on or should
be on the first accredited roll made out of the Choctow indians after
that date, that the applicant Mary Wampler was a Miss Campbell the sister
of J.M. and E.F. Campbell who are now on the Indian (Choctow) roll, that she
was first married to Lenochoan by whom she had two children, Victoria and
Campbell that Victoria is the applicant Victoria Stafford, who married a
Mr. Stafford about _____ years ago with whom she now lives, that upon the
death of Lenochoan your applicant married George Wampler by whom she has
had born to her the Wampplers applicants here-in named, that the Snider
applicants, Pearl, Esther, and Buhler, or orphans the children of Doratha
Campbell Snider, a daughter of Ellen Foster, that the applicants Mamie C
Linn and Lilly Campbell Roberson, or the married daughters of Ephriam
Campbell who is a son of Ellen Foster and who is the accredited roll of
the Choctow indians, as is also his oldest and youngest child but through
the inadvertance of his attorney in having the children of the said
Campbell enrolled, over looked and neglected to have applicants Linn and
Roberson placed upon said roll; that all of the above applicants are bona
residents of the Indian Territory and have been for more than one year
next before the filing of this application, that most of the applicants
herein are minors and some of them orphans and had no one to make appli-
cation to the ~~XXXXXX~~ Honorable Indian Commission ~~XXXXXXXXXXXXXXXXXXXX~~
for them, that the other applicants are married women, and were married
and laboring under the disabilities of coverture ever since the first
appointment of the Commission to make out a roll of the Choctow Indians
that your applicants have never here-to-fore made application to this
Hon. commission for enrollment, that it is impossible for them to have a
fair and impartial hearing before the Indian counsell, and will be denied
their rights as Indians unless this Hon. Commission will hear and deter-
mine their rights in the matter. Premises considered your applicants
pray that their application be considered and that they be placed upon
the roll of Choctow Indians with all the rights and privileges as such

Pearl Snider
Esther Snider
Buhler Snider
Ida Linn
Annie Linn

Mary Wampler
Mamie Linn
Lilly Campbell Roberson
Victoria Campbell
John Wampler
Edgar Wampler

Indian Territory
Southern District

That is the undersigned authority personall appeared at
the ~~XXXX~~ Wampler, Mamie Linn, and Lilly Roberson, who for them selves and
in the behalf of the minor applicants here-in who after being duly sworn
that the facts set up in the foregoing application are true

To the Hon. Indian Commission to the five civilized tribe of Indians.

Campbell
Wampler et.al

vs

Application for Enrollment

Choctow Nation

Before me the undersigned authority'a
Notary Public for the southern district of the I.T duly qualified
on this day personally appeared E.F. Campbell, J.M. Campbell
and all of whom are personally known to me, who
who after being by me duly sworn says; that they are velly and person
ally acquainted with the applicants Mandy Wampler and her children Vict
toria Lenochoa a girl and now married to Nute Stafford and having the
Bona fide residence in the Choctow Nation where they have been for moree
~~resident in the Choctow Nation~~ the filing of this application; and Campbell
Lenochoa, a boy 13 years of age, George Wampler, a boy 8 years old, John
Wampler a boy 4 years old, Edgar Wampler a boy 16 months old, Pearl
Snider a girl 11 years old, Esther Snider a girl 9 years old, Buhler
Snider a girl 7 years old, Mamie Campbell Linn, a married woman 19 years
old and her children Ida Linn and Ann Linn girls three years and one
year old respectavaly, and Lilly Campbell Roberson a married woman.
That Mandy Wampler is a daughter of Ellen Foster, that she was first
married to Lenochoa by whom she had the first two named children, that
she was afterwards married to Wampler with whom she now lives and
has had born to her by said marriage the Wampplers herein mentioned,
that Ellen Foster was a Choctow Indian by blood and was so declared, and
admitted to all the rights of citizen ship, of the Choctow Indians by said
Indians in the year 1888 and her name is on, or should be on the first
authenticated roll of said Indians made out after that date.
That the Snider children mentioned herein are the children of Doratha
Snider, (nee Campbell) and was a daughter of Ellen Foster.
That the applicants Mamie C. Linn is the daughter of Ephraim F. Campbell
who is a son of said Ellen Foster, that Lilly C. Roberson is a daughter
of said Ephraim F. Campbell, that said Ephraim FF. Campbell is on the roll
of the Choctow nation as is his oldest and youngest child but through a
some in advertance or neglect of his attorney his children as above
named were not put on said roll. That all of the parties above named are
resident citizens of the Indian Territory and have been for more than
~~one year next preceeding this application~~ that they are Indians by blood
and are entitled to enrollment, that they are all minors, except the
married women herein mentioned who are laboring the disabilities of cov-
iture, and they have never made application for enrolment here to fore
~~xxxxxx~~

Notary Public for Applicants
Mamie C. Linn

J.M. Campbell
E.F. Campbell
G. R. Linn
John Wampler

Indian Territory
Southern District

Before me the undersigned Notary Public on this
day personally appeared Ephraim F. Campbell, J.M. Campbell
and all of whom are personally known
to me who after being first duly sworn by me say that the facts and mat-
ters set out in the foregoing instrument of writing is true and correct
Subscribed and sworn to before me this the 14 day of Aug. 1897

X
~~Subscribed and sworn to before me this the 14 day of Aug. 1897~~

Notary Public

Mundy Wamp^{std.}
-vs-
Choctaw Nation
Application
for
Enrollment

FILED

SEP 8 1887

W. W. J. J. J. J.
SIO'Y.

P. 321.

Chickasha, I. T., 189...

To Hon. Indian Commissioner to find
Civilized tribe of Indians —
Manda Hamper et al. &
On
Choctaw Nation

Before me the undersigned
Authority personally appeared Abe Foster personally
known to me and after being duly sworn depose
that he is a son of Ephraim Foster who
was a full brother to Ellen Foster, that both
Ephraim Foster and Ellen Foster are upon the
accredited roll of the Choctaw Indians and enjoy
all the rights & privilege of Choctaw Indians and
are Choctaw Indians by blood, that applicant Manda
Hamper was a daughter of Ellen Foster as
was also Doratha Campbell Snider, that the
applicants Victorin Stafford, Campbell Snider &
the Hamper applicants are children of Manda Hamper
& the Snider applicants are the children of Doratha
C. Snider. F. E. Campbell is a son of Ellen Foster is
on the Choctaw roll of Indians and his children, Lily, John
& Marie Lynn are entitled to enrollment as Choctaw Indians
Subscribed & sworn to before me on the 1st day of Aug 1897
Abe Foster

Commission to the Five Civilized Tribes,

Washkahoma, Indian Territory.

October 12, 1899.

In the application for enrollment of the children of Amanda Wampler as Choctaws; George Wampler being sworn and examined by Commissioner McKennon testifies as follows:

- Q What is your name? A George Wampler.
- Q How old are you? A Thirty-seven.
- Q You are a white man? A Yes sir.
- Q What is your wife's name? A Amanda Wampler.
- Q How old is she? A Thirty-eight.
- Q Is she a sister of James M. Campbell who was admitted by the Choctaw council in 1886? A Yes sir.
- Q What degree of Choctaw blood has she do you know?
- A One-eighth.
- Q Has she children? A Yes sir.
- Q What's the name of the oldest one, give the names and ages?
- A Victoria Wampler, seventeen years old, Joseph, fifteen years old; George, eight years old; John, five years old; Edgar, two years old; and Victoria has been married and her name is Lenehan, and she has one child, named Palestine, it is two years old.
- Q These people have never been on the Choctaw rolls?
- A No sir.
- Q Her admitted by the council? A No sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commissioner of the Five Civilized Tribes.
I hereby certify that the foregoing is a true and correct translation of the stenographic notes taken at the examination of George Wampler, and that this transcript is a true, full and correct translation of my stenographic notes.

MD Miller

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Wampler for the enrollment of his wife, Amanda Wampler, and his minor children, Victoria Wampler Lenahan, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and his minor grandchild, Palestine Lenahan, as citizens by blood of the Choctaw Nation.

DECISION.

It appears from the record in this case that the applicant, George Wampler, appeared before the Commission at Tahlequah, Indian Territory, on the 12th day of October, 1899, and then and there made personal application for the enrollment of his wife, Amanda Wampler, and his minor children, Victoria Wampler Lenahan, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and his minor grandchild, Palestine Lenahan, as citizens by blood of the Choctaw Nation.

It appears from the evidence offered in support of this application that the said Amanda Wampler is the wife of the said George Wampler, and that the minor applicants were born to them

as follows: Victoria Wampler Lenehan, in 1882; Joseph Wampler, in 1884; George Wampler, in 1891; John Wampler, in 1894; and Edgar Wampler, in 1897; and their grandchild, Palestine Lenehan, child of Victoria Wampler Lenehan, was born in 1897.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that none of the applicants have ever been enrolled as citizens of the Choctaw Nation, nor do any of their names appear upon the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that any of the applicants have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that these Applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1898, (30 Stats., 382).

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the twenty-first section of the act of June 25, 1890, (30 Stats., 496), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded, September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicant in chief, George Wampler, was, on February 20, 1903, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed the right to identification of the said Amanda Wampler, his wife, and the minor applicants, as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response was made by the applicants to said notice.

The act of Congress of June 25, 1898, (30 Stats., 495), in a portion of section 31 thereof, provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is therefore the opinion of this Commission that Amanda Wampler, Victoria Wampler Lonahan, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and Palestine Lonahan are not lawfully entitled to be enrolled as members of the Cheateau Tribe of Indians in Indian Territory by blood, and that their application therefor should be refused; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this MAY -9 1902

COPY.

RECORDED 319

Chickasaw, Indian Territory, May 2, 1902.

George Wampler,

Care of H. M. Williams,

Chickasaw, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your wife Amanda Wampler, and your five minor children, Victoria Wampler Leachan, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and your minor grandchild, Palestine Leachan, as citizens by blood of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

2 enclosure
Chickasaw, May 2, 1902
H. M. Williams

Chester E 319

COPY.

Muskogee, Indian Territory, May 9, 1902.

H. W. Williams,

Attorneys at Law,

Chickasha, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Amanda Wampler, and her five minor children, Victoria Wampler Lanchan, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and her minor grandchild, Palestine Lanchan, as citizens of the Chester Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

1 inclosure
Chester E 319
Registered.

COPY.

Chectaw B 319.

Muskogee, Indian Territory, May 9, 1902.

Manfield, McMurray & Gernish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Amanda Wampler, and her five minor children, Victoria Wampler Lenahan, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and her minor grandchild, Palestine Lenahan, as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles.

1 inclosure
Chectaw B 319.

Commissioner in Charge.

COPY.

Wuskegee, Indian Territory, May 9, 1902.

The honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by George Wampler for the enrollment of his wife, Amanda Wampler, and her five minor children, Victoria Wampler Lenahan, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and her minor grandchild, Palestine Lenahan, as citizens of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Amanda Wampler and her five minor children, Victoria Wampler Lenahan, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and her minor grandchild, Palestine Lenahan, as citizens of said nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 inclosure
Choctaw 5-519

Through the Commissioner
of Indian Affairs.

COPY

Re: In reply to
the following:
Letter
of 240-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON June 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit the record in the application of George Wampler, for the enrollment of his wife, Amanda Wampler and his minor children, Victoria Wampler Lenahan, Joseph, George, John and Edgar Wampler, and his minor grandchild, Palestine Lenahan, as citizens by blood of the Choctaw Nation.

From the record herein it appears that none of the applicants were ever admitted or recognized as Choctaw citizens, and therefore under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll said applicants.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,
Acting Commissioner.

(E.S.S.)P.

COPY

D. C. No. 10012-1902

34090

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

I.T.D. 3506-1902

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in the matter of application for enrollment of Amanda Wampler, her children, Victoria Wampler Lenehan, Joseph, George, John and Edgar Wampler, and her grandchild Palestine Lenehan, as citizens of the Choctaw Nation. You refused the application because the applicants have never been enrolled or admitted as citizens of said Nation. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

END

1 inclosure.

COPY.

Choc/ R 519

Mustang, Indian Territory, June 25, 1902.

Mr. George Wampler,

c/o H. H. Williams,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of your wife, Amanda Wampler, your five minor children, Victoria Wampler Lancham, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and your minor grandchild, Palestine Lancham, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED)

F. B. Needles.

Commissioner in Charge.

COPY.

7 E 819

Huskogee, Indian Territory, June 23, 1903.

N. M. Williams,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1903, 1903, affirmed the decision of the Commission, dated May 9, 1903, refusing the application made by George Vampler for the enrollment of his wife, Amanda Vampler, his five minor children, Victoria Vampler Lenahan, Joseph Vampler, George Vampler, John Vampler, Edgar Vampler, and his minor grandchild, Palestine Lenahan, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

COPY

Muskogee, Indian Territory, June 23, 1902.

Massfield, McHarrow & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by George Wampler for the enrollment of his wife, Amanda Wampler, his five minor children, Victoria Wampler Leachan, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and his minor grandchild, Palestine Leachan, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COPY

1000

D.C. 1877-1902.

DEPARTMENT OF THE INTERIOR,
Washington.

IND. 2000
A 4744-1902.

August 6, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Washington, D.C.

Gentlemen:

The Department is in receipt of a petition requesting a rehearing in the case involving the application of George Wampler for the enrollment of his wife, Ananda Wampler, and his minor children and grandchild, as citizens by blood of the Choctaw Nation.

On June 9, 1902, the Department in accordance with the provisions of the act of May 31, 1900 (31 Stat., 221), affirmed your decision rejecting the application of these parties, as the applicants were never admitted or recognized as Choctaws.

It is not alleged in the petition under consideration, that that decision was contrary to law, but the assertion is made that the applicants are closely related to persons who have been admitted to citizenship in the Choctaw Nation. The petition is hereby denied as said act provides that your Commission "shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory, who has not been a

recognized as such, and duly and lawfully enrolled or
admitted as such.

You will furnish the attorneys who filed the petition,
Messrs. Bond and Wilson, Chicago, Ill., a copy hereof.
The given names of the attorneys in this case do not appear,
but apparently neither of them has been admitted to practice
before the Department.

Respectfully,

Thos. Ryan,

Acting Secretary,

E.M.D.

Muskogee, Indian Territory, December 6, 1909.

G. W. Wampler,

Wince, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 4th instant in which you state that you appeared before the Commission at Tushkahomma, and in which you desire information relative to your enrollment, as a citizen of the Choctaw Nation.

You are informed that the records of the Commission show that you appeared before the Commission at Tushkahomma, Indian Territory, on October 12th, 1909, and made application for the enrollment of yourself, your wife, your five minor children and your grand-daughter, as citizens of the Choctaw Nation, and the enrollment of yourself and family was at that time refused by the Commission.

Yours truly,

Acting Chairman.

7-2-319

Muskogee, Indian Territory, April 4, 1901.

Messrs. Holding & Bond,

Chickasha, Indian Territory.

Gentlemen:-

The Commission is in receipt of your letter of recent date making inquiry as to the application for enrollment as citizens of the Choctaw Nation of George Wampler, et al. You are informed that the records of the Commission show that on October 12, 1899, George Wampler, 37 years old, appeared before the Commission, at Tushkahomma, Indian Territory, and made application for the enrollment of his wife, Amanda Wampler, and his five minor children, Victoria, Joseph, George, John and Edgar Wampler; also for the enrollment of Palestine Lenehan, minor child of Victoria Lenehan, nee Victoria Wampler, as citizens by blood of the Choctaw Nation, and their enrollment was at that time, refused by the Commission. No decision has been written in this case, but the Commission contemplates passing upon the same in the near future. When such decision is rendered, a copy of the same, stating fully therein the reason for any action that may be taken by the Commission, will be mailed to George Wampler at his present post office address.

Yours truly,

Acting Chairman.

Muskegee, Indian Territory, April 9, 1902.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 5th instant, requesting that you be informed as to the exact status of the citizenship of Mandy Wampler and her children.

Replying to your letter you are informed that on October 12, 1899, at Tushkahemba, Indian Territory, George Wampler appeared before the Commission and made application for the enrollment of his wife, Amanda Wampler and children, Victoria Lenahan and Joseph, George, John, Edgar and grand-child, Palestine Lenahan as citizens of the Chootaw Nation.

It does not appear that these people have been enrolled by the tribal authorities of the Chootaw Nation or that they have been admitted to citizenship by that nation by the tribal authorities or the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896.

The Commission has not up to this time rendered a decision

DATA

in the matter of the application for the enrollment of these persons as citizens of the District of Columbia but when such a decision is rendered, they will be duly informed of any action that may be taken by the Commission.

Yours truly,

Commissioner in Charge.

MAILED
JAN 10 1900

MAILED
JAN 10 1900

Choctaw N. 314

Wadsworth, Indian Territory, June 12, 1902.

G. W. Wampler,

Nimco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask if your wife and children will be enrolled as citizens of the Choctaw Nation.

You are advised that on May 9, 1902, the Commission rendered a decision refusing the application for enrollment as citizens of the Choctaw Nation of Amanda Wampler and her children and grand-child, and a copy of such decision was forwarded you by registered mail to Chickasha, Indian Territory, in care of E. N. Williams. On the same date the record in the case was forwarded the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

7-2-013

Mustache, Indian Territory, August 12, 1902.

Ben & Nelson,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

The Commission is to-day in receipt of a communication from the Secretary of the Interior, under date of August 6, 1902, directing that you be furnished with a copy of said communication in which your petition for a rehearing in the matter of the application of Amanda Wampler et al., for enrollment as citizens of the Choctaw Nation, is denied.

In accordance with said Departmental instructions there is enclosed you herewith a copy of said letter.

Yours truly,

Acting Chairman.

Enclosure.
M-2-27

Muskogee, Indian Territory, September 18, 1902

G. W. Wampler,
Mince, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 2, addressed to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. You ask, therein, with reference to the application for enrollment of your wife, Amanda Wampler and your children.

In reply to your letter you are informed that on May 9, 1902, the Commission, after a consideration of the evidence offered in support of this application, rendered its decision refusing the same, and the record in the case was forwarded to the Secretary of the Interior for review. On June 9, 1902, the secretary of the Interior affirmed the decision of the Commission refusing this application, and the case is therefore closed.

Yours truly,

Acting Chairman,

7-R-319

Muskogee, Indian Territory, November 28, 1904.

Joe M. Smith,

Tuttle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, requesting information relative to the enrollment of Amanda Wampler and her children as citizens by blood of the Choctaw Nation.

You are informed that on May 2, 1902, the Commission rendered its decision regarding the application made for the enrollment of Amanda Wampler, Victoria Wampler Lenanhan, Joseph Wampler, George Wampler, John Wampler, Edgar Wampler, and Palestine Lenanhan as citizens by blood of the Choctaw Nation and a copy of the decision was forwarded to George Wampler, care of H. M. Williams, Chickasha, Indian Territory, May 9, 1902.

On June 2, 1902, the decision of the Commission regarding the application of the above named parties was affirmed by the Secretary of the Interior and due notice of Departmental action forwarded to George Wampler care of H. M. Williams, Chickasha, Indian Territory, June 25, 1902.

Respectfully,

Commissioner of the General Land Office

Choc. 10 320

John Ward et al.

vs

Choctaw Nation

Denied

R 320

UNITED STATES

No. R320

DECEMBER

John Ward et al

vs

Choctaw Nation

REFUSED, JAN 23 1907

COPY OF DECISION FORWARDED
APPLICANT

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT, JAN 23 1907

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS, JAN 23 1907

RECORD FORWARDED DEPARTMENT, JAN 23 1907

Judgement written Feb 17 1907

Dec. Petition # 41-34-70
" 23-943,

Refused

ACTION APPROVED BY
SECRETARY OF INTERIOR, MAR 4 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS, APR 13 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT, APR 13 1907

NOTICE OF DEPARTMENTAL
ACTION FORWARDED APPLICANT, JUN 1 1907

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of John Ward and family as Choctaws; being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A John Ward.

Q How old are you? A Forty-two.

Q You are a Cherokee Indian are you? A Yes sir.

Q Your mother was a Cherokee? A Yes sir.

Q And your father was a white man? A Yes sir.

Q Your wife is a white woman? A Yes sir.

Q And your children are children by this white woman?

A Yes sir.

Q None of you have any Choctaw blood in you have you?

A No sir.

Q You have been living in the Choctaw Nation how long?

A All my life.

Q Have you been drawing annuities? A No sir.

Q Have you ever drawn any monies in the Choctaw Nation?

A No sir.

Q You have been on the rolls though? A Yes sir.

Q You are on the roll of 1896, were you ever on any other roll?

A I don't think I was.

Q You and your family were placed on the roll in 1896? for the first time? A I believe it was, I wont be sure just when it was.

Q Com'r Needles: Were you ever enrolled in the Cherokee Nation? A No sir.

Q Com'r McKennon: Were ever you on the rolls up there at all?

A No sir. I am on the Old Settler roll.

Com'r McKennon: As you are not a Choctaw by blood, and no members of your family are, and you were never enrolled

John Ward #2)

until 1896 and you were not admitted by the Choctaw Council, your enrollment in 1896 was without authority of law, and the enrollment of yourself and family will therefore be refused.

Q What is your wife's name? A Nancy E. She is about forty years old.

Q What is your oldest child's name? A Henrietta Ward, 16 years old; Joseph B. Ward, 15 years old; Chester A. Ward, 11 years old; William C. Ward, 8 years old; Elmer Ward, 6 years old, John - nie Ward, 4 years old.

(John Ward is on 1896 roll as follows: page 368, #14042.)

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 13 1901

 ACTING CHAIRMAN

Before the Honorable Commission to the Five Civilized Tribes.

John.Ward, et al)	
)	
vs)	Application for a re-hearing
)	
Choctaw Nation,)	

Now comes John.Ward, for himself and wife, Nancy.E.Ward, and his six children, to wit: Henrietta.Ward, Joseph.B.Ward, Chester.A.Ward, WM.E.Ward, Elmer.O.Ward, and John.M.Ward, and his niece, Addie.Ward, and respectfully ask that your Honorable Commission set aside the judgement, rendered by your Honorable Commission at Atoka, in September, 1899, denying the application of your petitioner and family and niece the right to enrollment as citizens of the Choctaw Nation, and grant them a re-hearing of said application for the following reasons, to wit:

That the hearing of the application of your petitioner and family by your Honorable Commission of September 1899, at Atoka, ^{for} enrollment as citizens of the Choctaw Nation was too brief, vague, indefinite, and uncertain to determine the legal and equitable rights of your petitioner and family to enrollment as citizens of the Choctaw Nation.

That the testimony allowed to be introduced by your petitioner in support of his said application at said hearing, was too brief, vague, and indefinite to determine the rights of applicant and family to enrollment as citizens of the Choctaw Nation; although, the petitioner says that he was ready and willing, at said hearing, to introduce further proof in support of his said application; but was not permitted so to do.

Your petitioner states that if granted a re-hearing, he expects to prove and can prove by credible citizens of the Choctaw Nation and Choctaw Indians by blood ~~xxxxxxxxxxxx~~, to wit: H.P.Ward, W.E.Ward, Chas.LaFlore, and Mrs.D.N.Robb, that his father, (Samuel.Ward, a white man) in an early day, moved to and located in the Choctaw Nation and that in 1848, married a Choctaw Indian woman by blood, and that he and his Choctaw wife ever after that lived together in said Choctaw Nation as husband and wife untill the death of his said Choctaw wife:

That in 1856, his Choctaw wife having died, he married a Cherokee Indian woman in the Choctaw Nation, and who was at that time living in said Choctaw Nation, and that they ever after that lived together as husband and wife in said Choctaw Nation, and that your petitioner is a son of his father by his Cherokee wife.

That his father ~~was~~ and family were always recognized as citizens of the Choctaw Nation, were allowed to own and hold lands therein; that his father always voted in all of the tribal elections, and that his father's children were always admitted to the tribal schools as recognized citizens thereof.

That your petitioner and family have always been recognized as citizens of the Choctaw Nation up to the time of their rejection by your Honorable Commission in 1899; that petitioner has always been allowed to own and hold land in said nation; has always voted in all of the tribal elections, and has held various county offices in Atoka county Choctaw Nation, to wit: deputy sheriff, permit collector, and school trustee of the tribal schools; and that his children have always been admitted to the tribal schools as recognized citizens thereof: Wherefore the premises considered, your petitioner prays that said judgement be set aside and that he be granted a re-hearing, and that he be allowed to file written argument and brief.

John Ward

Subscribed and sworn to before me this 3rd day of April, 1901.

Dwight Brown
Notary Public

DEPARTMENT OF THE INTERIOR/
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, June 3, 1901.

R-320.

In the matter of the application of John Ward for the enrollment of himself, his wife and six minor children as citizens of the Choctaw Nation.

John Ward being first duly sworn testified as follows:

Examination by the Commission:

- Q State your name? A John Ward.
- Q How old are you? A Forty-two I believe.
- Q Where do you live? A I live in the Choctaw Nation.
- Q What is your postoffice address? A Atoka, Indian Territory.
- Q How long have you lived in the Choctaw Nation? A Born and raised there.
- Q Are you a citizen by blood of the Choctaw Nation? A No sir.
- Q Are you a citizen by blood of any other tribe of Indians in Indian Territory? A Yes sir.
- Q What tribe? A Cherokee.
- Q How much Cherokee blood have you? A I don't know. I think my mother was something near a half breed.
- Q You never lived in the Cherokee Nation? A No sir.
- Q What is your father? A He is a white man.
- Q What is his name? A Sam Ward.
- Q Is he dead? A Yes sir.
- Q He never made any claim to citizenship in any tribe in Indian Territory? A No, he never did.
- Q What is your mother's name? A My mother was Eliza J. Ramsey when my father married her.
- Q Her married name was Ward? A Yes sir.
- Q Is your mother living? A No sir.
- Q How long has she been dead? A I don't know. I have a record of her death and marriage, and all of them.
- Q Did she die in the Choctaw Nation? A Yes sir.
- Q When did she go to the Choctaw Nation to the Cherokee Nation?
- A It has been a long time ago; I couldn't tell you.
- Q Did she ever enroll with the Cherokees in the Cherokee nation?
- A Yes, I think so; sure of it.
- Q About how long has she been dead? A She died March 24th, I believe, 1881.
- Q Was her name on the 1880 roll in the Cherokee Nation? A I don't know, sir; I don't know whether she was or not.
- Q Did you ever enroll as a citizen of the Cherokee nation? A No.
- Q Did you ever draw any money in the Cherokee nation? A I never drew any money in the Cherokee nation, only I come up here and drew some money once one day when he was paying out some old settler's money; he found her name on the old settler's roll, and I proved to be her child.
- Q Was that a Cherokee payment? A Yes sir.
- Q When was that? A Four or five years ago -- six or seven -- something like that.
- Q How much money did you get? A There was four or five of us children and I believe there was \$110 of her share, and there was three or four of us drew it; four I think, drew \$110; \$21.10 apiece, is what I have got down.
- Q Did you ever draw for yourself and your brothers and sisters?
- A No sir.
- Q Who did you get the money for? Was it paid to your mother's account on the Cherokee rolls? Was it paid to you as a Cherokee

2-John Ward.

Indian, or was it paid to your mother as an old settler, and you got it. A Yes, that's the way I got it; that is, I judge I did; I think that was the way it was.

Q When did your mother remove from the Cherokee Nation to the Choctaw Nation? A I couldn't tell you; she was living in the Choctaw nation when I can first recollect.

Q Were you born in the Choctaw Nation? A Yes sir.

Q Did she marry a Choctaw citizen? A Yes sir.

Q Before her marriage to your father? A No, I don't think she did. No, she married a white man in the Cherokee Nation and raised a set of children right around Tahlequah, Jamie, Catherine and Clark Ransey; that was in the Cherokee Nation; then she come to the Choctaw nation and married Sam Ward.

Q Sam Ward was a white man? He had no Indian blood? A No sir.

Q Has she ever been married to a Choctaw citizen? A Yes, he was married to a Choctaw woman.

Q You claim your rights by reason of the fact that your father, Sam Ward, a white man, before his marriage with your mother, a Cherokee woman, had been married to a Choctaw woman? A Yes, that is what I claim.

Q Have you ever been enrolled as a citizen of the Choctaw nation by the Choctaw tribal authorities? A I think so, yes; I have a paper that I got from the revisory board of the Choctaw Nation; my attorney has got it. I thought he would be up here; he hasn't come yet; they enrolled me; I think you will find my name and all of my children on the Choctaw roll.

Q On what roll? A Choctaw roll; lately they was made.

Q For what year? A I don't know just what year it was.

Q Did you draw the lease district payment in 1893, made to the Choctaw Nation? A No, I didn't draw that.

The name of the applicant is found on the 1896 census roll of the Choctaw Nation in the possession of the Commission, on page 368, No. 14042, as a resident of Atoka county.

Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation, prior to your enrollment on this 1896 roll? A I don't think there ever was any roll only that payment; that blood payment that come off. I don't think there was ever any rolls made of the Choctaws, since I can recollect.

Q This is the first time that you were enrolled, when you were enrolled by this so-called revisory board? A Yes sir.

Q When was that? A I don't know just when it was. I couldn't call to mind just what year it was, but I think it was three years ago, though ---no, it was two years ago.

Q Where did you go before that revisory board? A Tuskahoma.

Q Do you know any of the members of it? A A. R. Durant was one; I believe he signed his name that way; I could not be sure; probably these other men could tell you more than I could; I never went before it myself; I sent my brother, and he went in. And W. C. York and Mr. Pate.

Q What year was that? A If I had the paper--the attorney has got it. I never tried to keep it in my mind because I had those papers. I couldn't tell just what date it was. That is the reason I was expecting them papers he has; this man Mr. Farmer that I have written to.

Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10, 1896? A I guess not; don't think I did. I never made no application to the Dawes Commission for citizenship only in the Cherokee Nation, until they come to Atoka, and then when they come there they rejected me; I made application when they was located at Vinita.

Q That was for citizenship in the Cherokee nation? A Yes, when they was at Vinita in 1896; when they first come out, anyway.

Q You made application in 1896 to the Commission to the Five Civilized Tribes, under the act of June 10, 1896, for citizenship in

3-John Ward.

Cherokee Nation for yourself, your wife Nancy E. Ward, and your children, Henrietta, Joseph B., Chester A., William C., Elmer O., and John W. Ward, claiming the rights of yourself and your children as citizens by blood of the Cherokee Nation? A Yes sir.

Q What action did the Commission take on that application? A I really don't know. I understood that they rejected me because I didn't live in the Cherokee nation; I don't know; because I didn't live there and had never been recognized there. I went to the Cherokee cou oil and tried to get them to take me there. The Chief of the Cherokees knows us all.

Records of the Commission to the Five Civilized Tribes under the act of June 10, 1899, in the case of John Ward et al v. Cherokee Nation examined, Cherokee case No. 4529, Citizenship Docket B., page 265. Original application and petition were filed September 7, 1896; answer of the Cherokee nation was filed thereto and application was denied. There is no record of any appeal having been taken to the decision of the Commission, under the act of June 10, 1896.

Q Have you ever made application to be enrolled by this Commission as a citizen of the Cherokee Nation? A No, not since that time.

Q That was the application that you made for citizenship in 1896?

A Yes sir.

Q In the last two years have you made application to be enrolled as a citizen of the Cherokee nation? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Nancy Ellen Ward.

Q How old is she? A She is forty years old.

Q She is a white woman? A Yes sir.

Q She never claimed any right to citizenship in any tribe in Indian Territory? A No sir.

Q What is her father's name? A A. H. York.

Q Is your wife's father living? A Yes sir.

Q Where does he live? A He lives there in the Choctaw Nation.

Q What is your wife's mother's name? A Polly Ann I believe.

Q They were both white people? A Yes sir.

Q Is your wife's mother living? A No sir.

Q Where did you marry your wife? A Down in the Choctaw nation.

Q Under a Choctaw license? A No, we didn't get no license.

Q How were you married? A Just under the old customs we always married under. They didn't require the Indians to get a license; they knew that I had always been recognized as an Indian. I had been allowed to vote and hold office; deputy sheriff, trustee in the school, and I have been guardian appointed over Choctaw children.

Q When were you married? A I was married in 1882.

Q How many children have you? A I have six.

Q What are their names and ages? A Henrietta, going on 17. Joseph B., he will be 16, Chester A. he is 12, William Edward 10 or 11. Elmer Owen, 8 I guess and Johnnie M., he is 4 or 5.

The names of Nancy E. Ward, wife of the applicant, and of his children Henrietta, Joseph B., Chester A., William E., Elmer O. and John W. Ward, are found on the 1896 census roll of the citizens of the Choctaw Nation, page 368, Nos 14043 to 14049 inclusive.

Q Who is Addie Ward? A She is a deceased niece of a deceased brother of mine.

Q You have never made application for the enrollment of this child, Addie Ward, have you? A Yes, I thought so. I thought she was with my family.

The records show no application ever having been made for the enrollment of Addie Ward as a citizen of the Choctaw Nation.

Q You are the father of these six children, are you? A Yes sir.

Q Nancy E. Ward is the mother of all of them? A Yes sir.

Q These children are all living with you are they? A Yes sir.

Q And have always resided in the Choctaw nation? A Yes, always.

4-John Ward.

Henry B. Ward being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Henry P. Ward.
- Q How old are you? A 44 years.
- Q What is your postoffice address? A Kiowa, Indian Territory.
- Q Choctaw Nation? A Yes sir.
- Q Are you a citizen of the Choctaw Nation? A Yes sir.
- Q By blood? A Yes sir.
- Q Do you know this applicant, John Ward? A Yes sir.
- Q How long have you known him? A I have known him ever since 1866 I believe.
- Q What do you know about his Choctaw citizenship? A All I know about it is just what my mother told me. His father's first wife was sister to my mother. They were Thompsons; my mother was a Thompson. I know only just what my mother told me. Uncle Sam Ward was a brother to my father, also; they married sisters.
- Q Did you know this man John Ward's mother? A Yes, I knew of her several years before she came to where I lived, and then she died. They were living there in Blue county when we came to the Territory, and we moved into the same neighborhood, and I knew her until she died.
- Q Was she a citizen of the Choctaw nation? A No, she was said to be a Cherokee.
- Q John Ward's father was a white man--a non-citizen? A Yes sir.
- Q Have you ever been an officer of the Choctaw Nation? A Yes sir.
- Q Do you remember when they were making the census rolls of 1896?
- A Yes, I was on one Commission myself. A. R. Durant and Isaac Impson. I was appointed by the Governor as one of the Commissioners, and I disremember what date that was, but it occurs to me that this family was enrolled at that time, but I could not swear to that fact.
- Q Was that what was known as the revisory board? A I think it was.
- Q A. R. Durant was Chairman? A Yes sir.
- Q When was that board incorporated and authorized to act? A Right up to date; it is three or four years ago. We sat at Atoka. And he was appointed in one district; three in one district and three in two other districts.
- Q Do you remember what year that was? A No, I don't; I have my commission at home, and I could refresh my memory with that.
- Q That was after the first roll had been made? A That was after the leased district payment? After the first ~~payment~~ roll was made by the Choctaws in 1896, then under an act of the Choctaw council, the revisory board was appointed for the first, second and third districts for the Choctaw nation, and this applicant, John Ward and his family were enrolled by one of these revisory boards? A I am not able to testify to that fact, but it occurs to me that he was. I could not say today, whether he was enrolled or not, but it occurs to me from my recollection that they were rejected and not put on that roll, but I cannot say as to that being the fact.--On the ground that they were Cherokees and not Choctaws.
- Q That was when they were making the original roll? A It was not the original roll. Governor Smallwood and Calvin Perry I think--I know some of the other Commissioners, but there were three Commissioners appointed to make up the roll before this leased district money was paid out. There have been several rolls made. This Commission I was on was about four years ago, and we made our report to the council after we got our work done.
- Q Mr. Ward and his family, during their residence in the Choctaw Nation, have they always been recognized as members of the Choctaw or Cherokee tribe? A We have always admitted them and recognized them as citizens of our county until the payment of this leased district money in 1893 came up, and they were rejected. John and his brother had always voted. John has held the office of deputy sheriff and trustee of the neighborhood school, and was appointed by Judge Dulson, county judge as guardian of Choctaw

5- John Ward.

children, and he made his report to me; he required him to make his report quarterly, and he made his report to me.

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Charles Leflore being first duly sworn testified as follows:

- Q What is your name? A Charles Leflore.
- Q What is your age? A I will be 60 in July.
- Q What is your postoffice address? A Limestone.
- Q Choctaw Nation, Indian Territory? A Yes sir.
- Q Are you a citizen of the Choctaw nation? A Yes sir.
- Q Citizen by blood? A Yes sir.
- Q Do you know this applicant, John Ward and his family? A Yes sir.
- Q How long have you known him? A I knew his father and mother before the war; have known him ever since he was a child.
- Q You have held numerous offices in the Choctaw nation, haven't you?
- A No, I have been a United States officer more; I haven't held any offices in the Choctaw nation.
- Q Was John Ward, this applicant, generally considered in the Choctaw nation as a Choctaw or a Cherokee? A He was considered as Cherokee blood. His father was always recognized as a Choctaw citizen.
- Q How was he generally considered among the tribe up until the leased district payment in 1893? A Always recognized as a Choctaw. His father and brother and all the family.
- Q Do you remember whether the leased district payment was made in 1893? A Yes sir.
- Q Did Mr. Ward attempt to draw that payment? A I think so. That was the first time I ever heard them dispute their rights.
- Q They refused to pay the money in 1893, did they? A Yes sir.
- Q Do you remember the Commission that was appointed to make up the rolls of 1896, the census roll of the Choctaw nation? A Yes sir.
- Q Did you ever hear any question about Ward being on the rolls at that time by the original commission? A No, I didn't hear anything from that particular Commission as I remember, though it was after that leased district payment that it was considered that they would not recognize them as citizens.--Choctaw citizens.
- Q Mr. Ward testified that his name and the name of his family was enrolled by the revisory board at Atoka after the roll was made up by the 1896 Commission. Were you on the Choctaw Commission when that revisory board was created? A No sir.
- Q Do you know what year that was created? A No sir.
- Q From the time that the Choctaw nation refused to make payment to Mr. Ward in 1893 up until he was placed on the rolls by the revisory board, his citizenship was always questioned? Is that correct? A The people around there recognized him. The Choctaws held his place; there was no dispute about that. When they drew the money, that was the first thing that I ever heard there was any dispute about; that they didn't have Choctaw blood.
- Q My question was: From the time that the Choctaw Nation refused to make payment to Mr. Ward in 1893 up until he was placed on the rolls by the revisory board, his citizenship was always questioned? Is that correct? A Yes, it was questioned.
- Q Do you remember when this revisory board was sitting at Atoka?
- A I have recollection of it; I remember about when they was holding their meeting.
- Q Do you remember what year that was? A No, I don't. I am a little forgetful on a thing of that kind.
- Q Do you remember who the members of that board were? A Durant and E. P. Ward were the only ones I remember now.
- Q Do you remember when the Presidential election occurred in 1896, the time McKinley was elected? A No, I don't know positive

6-John Ward.

- whether it was before or after.
- Q Were you an officer in the Choctaw Nation in any capacity in 1896, five years ago? A No, I don't think I was. I only held one office in the Choctaw nation, except I was on the Commission in enrolling the citizens of the county.
- Q When was that? A That was about 1895; somewhere about that time.
- Q That was when they were making up the census roll? A That was before they made up the revisory roll.
- Q How long before? A About six months, or eight months.
- Q Was it in the spring or fall of the year? A In the spring, I think it was.
- Q Who did you say were the other Commissioners with you? A Martin Charleston and A. E. Fulton

-----Q-----

Henry P. Ward being recalled, testified as follows:

- Q Do you recollect when the various Commissions were appointed in the Choctaw nation to make the census roll of 1896? A No, I don't. I remember one Commission--that is, two Commissions. Myself and Durant was one. Another was Lewis, Durant and Governor Dukes. In fact, there have been a number of boards appointed but I can't remember who.
- Q That was after 1896--Do you remember the Presidential election in 1896? A I didn't pay much attention; I haven't thought much about it.
- Q You was in this revisory board that met at Atoka? A We held at Atoka, Caldo, Mayhew and Pitney, I believe, was the four places we sat at.

-----Q-----

June 3, 4 o'clock p. m.

John Ward being recalled, testified as follows:

Examination by W. S. Farner, Esq., who appears in behalf of the applicants:

- Q Mr. Ward, did you ever hold any kind of an office in Atoka county?
A Yes sir.
- Q Under what appointment, if any, and from what judicial body? A
A From the county court.
- Q What county court? A Atoka county court--the Choctaw county court
- Q Did you ever hold more than one office in the county? A Yes sir.
- Q About how many offices have you held, Mr. Ward? A Three.
- Q What were they, Mr. Ward? A I was appointed by the court guardian of Choctaw children--orphan children, and also, I have been deputy sheriff, and I have been appointed as trustee of the school. A
- Q Choctaw school? A Choctaw school, yes.
- Q Have you ever held the office of collector in that county? A Yes, I have; I have collected some permits, but that was in my duty as deputy sheriff.
- Q You spoke of being guardian of Choctaw children. Where were they?
A At Ward.
- Q Who is Ed Ward? A Half brother of mine.
- Q Is he a Choctaw? A Yes sir.
- Q Son of your father and his first wife? A Yes sir.
- Q I will ask you to examine this paper and see if you recognize it?
A Yes, I recognize it.
- Q That is your commission as a Choctaw trustee? A Yes sir.

Produced in accordance with Subpoena marked Exhibit A., filed and made part of this record.

7- John Ward.

Q Please examine this paper and state what it is? A That is a part of the old Commission I had as deputy sheriff of Atoka county.

Explanation by Mr. Farmer: There is a part of this paper that is destroyed; we could not find it; I desire however, to offer this in evidence.

Commission marked Exhibit B, filed, and made a part of this record.

Q I will ask you to examine this. A Yes, I recognize this. I can't read it all; part of it is in Choctaw.

Q It is your appointment in regard to the Choctaw children? A Yes. Offered in evidence, filed and made a part of his record. Identified as Exhibit C.

Q Mr. Ward, I will ask you if you have always been allowed to vote and have always voted in all the Choctaw elections in this county-- your county? A Yes, I have, ever since I have been old enough.

Q I will ask you if your father, Samuel Ward, always voted in all Choctaw elections? A Ever since I can recollect.

Q You were always recognized as a citizen of the Choctaw Nation, and allowed to vote? A Yes sir.

Q And held office? A Yes sir.

Q Did your father ever hold any office? A I don't know as he did, unless--I heard him say--

Q You need not mind what you heard him say. A I don't know.

Q I will ask you if your father was always recognized as a citizen of the Choctaw nation? A Yes sir.

Q Did you and your father own and control lands in the Choctaw Nation? A Yes sir.

Q I will ask you if your children and your father's children have always been admitted to the tribal schools, and been recognized citizens of the Choctaw Nation? A Yes, until here of late; until last year.

Q Mr. Ward, I will ask you to state to the Commission what that is? A This here is a family record of my father's family. His marriage to his Choctaw wife.

Q Does that show the marriage of his Cherokee wife also? A Yes.

Q Those leaves you have were taken from your family bible? A Yes, the old bible was big and heavy and these leaves was loose anyway and getting pretty well worn. I just took them out.

We desire to introduce the family bible record showing this marriage. We perfer the Commission take a copy of it.

By Mr. Dixby: We can have a copy made, and introduced, and you can take chances on the Department accepting and considering it as evidence in this case.

Copy of family record made, marked Exhibit D., filed and made a part of this record.

Henry P. Ward being recalled, testified as follows.

Examination by Mr. Farmer.

Q You are a Choctaw citizen by blood, are you not? A Yes sir.

Q You are related to John Ward, the applicant, are you? A Yes, he is my first cousin.

Q Was your mother a Choctaw citizen by blood? A Yes sir.

Q Be you have always understood from your mother that Samuel Ward, father of the applicant here--that Samuel Ward's first wife, was your mother's sister? A Yes sir.

Q And she was a Choctaw? A Yes sir.

Q Do you know whether Samuel Ward's children, and the applicant, John Ward, and his children, have always been admitted to Choctaw schools as recognized citizens? A Yes, up until the last

8-John Ward.

year.

Q I will ask you if they were allowed to own, hold and control lands in the Choctaw nation? A Yes sir.

Q And always voted in all tribal elections? A Yes, they generally have. John had no children old enough. The father voted.

-----0-----

Malven Cornish being first duly sworn testified as follows:

Examination by Mr. Bixby:

Q What is your name? A Malven Cornish.

Q Where do you live? A At South McAlester, Indian Territory.

Q You are attorney for the Choctaw-Chickasaw nations, are you?

A Yes sir.

Q Are you familiar with the methods that have been pursued in making up the rolls of the Choctaws and Chickasaws? A Fairly so in recent years. I would state that my knowledge has been gained from conversing with those who have had to do with that work.

Q Do you know whether or not certain committees or commissions called revisory boards acted upon citizenship matters sometime within recent years, in the Choctaw nation? A Yes, I understand that by an act of the Choctaw council a revisory board was created and acted rather extensively in the year 1897, and that they assumed to act under an Act of the Choctaw council which was passed sometime in the fall of 1896, or the early part of 1897.

Q Do you know anything of the board composed of Cheadle, Ward, Durant, Dupson and Morrell, for the third district? A I have heard something about it. I will state with reference to the board which acted for the whole nation--I have reference to that board, which was composed of A. R. Durant, S. E. Lewis, and I and informed G. W. Dukes was the third member. I have reference to the board for the whole nation. Not to those districts boards.

By Mr. Farmer: Were they not designated as revisory boards? A I think they were.

Q This board that you speak of acted in 1896-7? A 1897 I believe.

Q Could they have acted in 1896? A Might have.

Q Was there sufficient time after the passage of the law for them to do any work in 1896? A I think not. It is barely possible they did; my information, without having any accurate knowledge of the act is that the act was passed in October, 1896, and this revisory board acted the following year--the following summer. I presume the district boards acted earlier.

Q The district boards then, acted prior to the central revisory board? A Yes, I think so.

Q Was it the central revisory board that passed on the names of people properly to be enrolled as Choctaws? A That is my understanding.

Q You have no personal knowledge? A No, I do know there appear upon what now purports to be the roll of the Choctaw nation of the revisory board, many names that were never on the prior rolls of the Choctaw Nation.

Q Do you know whether the district boards ever placed any additional names on this roll of 1897? A I don't know; the only thing that I can say, and that I have seen is the roll made up by this revisory board. I have no knowledge of what they had before them in making up that roll.

By Mr. Farmer, attorney for applicant: We object to the testimony of Mr. Cornish for the simple reason that it is hearsay.
We also object to it as incompetent and irrelevant.

Examination by Mr. Farmer?

- Q How do you know this is hearsay? A I state as I stated before, I know from my personal knowledge that many names appear upon what is known as the roll of 1897, made up under this revisory board. Many names that do not appear on the prior rolls of the Choctaw nation, but I have no knowledge of what the revisory board had before them in making up the rolls. I do not know whether they did it of their own motion.
- Q Do you know what their duties were? A No, only a general knowledge of the law.
- Q I believe you stated that the law provided for a commission for each district. A That is my information.
- Q Then there was the revisory board who met to revise the rolls made by the three commissions? A That is my information.
- Q You state that this revisory board acted in 1897? A That is my information.
- Q I will ask you if the law does not provide--the law under which they acted--provide, that after the district commissioners made their rolls, the revisory board should meet and revise the rolls made by the Commission? A I am not able to state accurately, but generally, I understood that to be the method pursued.
- Q Do you know whether the name of Ward and his family appear upon the rolls of the district commissioners, as prepared by the district Commissioners? A I do not.
- Q You knew that they appear upon the rolls made by the revisory board?
- A No, I don't know that of my own personal knowledge. I stated that many names appear upon that roll that do not appear upon the other rolls.
- Q What rolls do you have reference to when you say many names appear upon that roll that do not appear upon the other rolls?
- A Particularly to the leased district pay roll, which is regarded as the basis.
- Q I will ask you if that leased district pay roll was not the blood pay roll? A I think perhaps it was; I think under the Act authorizing the disbursement of the leased district money, the money was not paid to citizens by marriage.
- By Mr. Bixby: What do you claim this applicant to be?
- A citizen by blood or intermarriage? A by Mr. Farmer- Intermarriage. The position I take is the 30th Article of the treaty of 1866.
- Mr. Bixby: He is not married to a Choctaw?
- Mr. Farmer: We don't contend that he is.
- Mr. Cornish: I will state that my information is that the leased district pay roll contains the names of all persons who were at that time regarded as Choctaw citizens, except those persons who claimed by intermarriage through a Choctaw husband or wife.
- Q I believe you stated, Mr. Cornish, that you did not know whether the names of Mr. Ward and his family, appeared upon these rolls made by the revisory board? A No, I don't know, never having my attention called to it.
- Q You speak of the 1896 roll; what roll was that? A That was the roll made up, I believe in the year 1896. There is a difference between what is known as the 1896 roll and the 1897 roll. As I have stated before to the Commission, the names of my persons are on the 1897 roll when it has since then, I understand, never recognized as citizens.
- Q The 1896 roll that you speak of, do you know who prepared that roll? By what authority it was prepared? A No, I do not.
- Offered in evidence by attorney for applicant, certificate issued by the chief commissioner, Mr. Barnett, showing that Mr. Ward and Mr. York were placed on the rolls, marked Exhibit E., filed, and made a part of this record.
- This is introduced in rebuttal of Mr. Cornish' testimony.

12-John Ward,

Franzen R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 3rd day of June, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Franzen R. Brown

Subscribed and sworn to before me this 5th day of June, 1901.

John L. Heiber

Notary Public.

COPY

FAMILY RECORD.

MARRIAGES.

DATE.

Samuel Ward & Minerva Thompson
was married Sept the 29th, 1848.

Sharon Macomber and John
Ward was married Dec the
24, 1899

Samuel Ward & Eliza Jane Ramsey
was married Oct. the 14 " 1852.

Edward Ward & Hannah Tenn. McConnell
was married to the 10. 1872.

John Ward and Mary E. York
was married Sept the 19th 1881.

Joseph Ward and Melissa C. York
was married Sept the 15th 1878.

IN RE
Application for Enrollment of
INFANT CHILD

Bertha D. Winans
as a citizen of

Choctaw Nation

Approved 190

Commissioner.

Department of the Interior,
Commission to the Five Civil-
ized Tribes.
Filed May 6, 1903.
Tams Bixby, Chairman.

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Bertha D. Winans (Here insert name of child.) , born on the 14th day of December, 1901
Name of Father: Walter C. Winans a citizen of the United States
Name of Mother: Ada Winans a citizen of the Choctaw Nation.
Postoffice Phillips, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, Ada Winans, on oath state that I am 20
years of age and a citizen by marriage, of the Choctaw Nation;
that I am the lawful wife of Walter C. Winans, who is a citizen, by
----- of the United States ~~that a~~ female child was
(Male or Female.)
born to me on 14th day of December, 1901; that said child has been named
Bertha D. Winans, and is now living.

WITNESSES TO MARK:

Ada Winans(Must be Two
Witnesses.)

Subscribed and sworn to before me this 18th day of November, 1902

W. S. Farmer

Notary Public.

(SEAL)

Central District, Ind. Ter.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, M. C. Taylor, a mid-wife, on oath state that I
attended on Mrs. Ada Winans, wife of Walter C. Winans
on the 14th day of December, 1901; that there was born to her on said date a female
(Male or Female.)
child; that said child is now living and is said to have been named Bertha D. Winans

WITNESSES TO MARK:

M. C. Taylor.(Must be Two
Witnesses.)

Subscribed and sworn to before me this 1st day of December, 1902

W. S. Farmer

Notary Public.

(SEAL)

Central District, Ind. Ter.

No. 608.

UNITED STATES OF AMERICA)
THE INDIAN TERRITORY,) SS.
CENTRAL DISTRICT.)

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING:

You are hereby commanded to solemnize the Rite and publish the BANS OF MATRIMONY between Mr. Walter C. Winans of Lehigh in the Indian Territory, aged 24 years, and Miss Ada Ward, of Atoka in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS My hand and official seal, this 18 day of Nov. A. D. 1899.

(Signed) E. J. Fannin,

D. N. Robb, Deputy.

Clerk of the United States
Court.

(SEAL)

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS. I, Rev. W. M. Davis, a clergyman
CENTRAL DISTRICT.) of M. E. Church, South, do hereby
CERTIFY, that on the 19th day of November A. D. 1899 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANS OF MATRIMONY between the parties therein names.

Witness my hand this 19th day of November A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book A, Page 6.

Rev. W. M. Davis,
a Clergyman of the M. E. Church, South.

(10 cts. Revenue.)

No. 608,

CERTIFICATE OF RECORD OF MARRIAGES.

UNITED STATES OF AMERICA,)
THE INDIAN TERRITORY,) set.
CENTRAL DISTRICT.)

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of Mr. Walter C. Winans and Miss Ada Ward was filed in my office in said Territory and District the 1 day of Dec. A. D. 1899, and duly recorded in Book 1 of Marriage Record, Page 304.

Witness my hand and seal of said Court at Atoka this 1 day of Dec. A. D. 1899.

By D. N. Robb, Deputy.

E. J. Fannin, Clerk.

(10 cts. Revenue).

Indorsed:

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed May 6, 1903.
Tams Bixby, Chairman.

John Ward in and for the office aforesaid for and during the term perscribed by the laws of said Nation. He the said duly appointed John Ward is theefore hereby authorized and required to do and perform all and singular the duties incumbent on Him as special Deputy Sheriff of Atoka County aforesaid according to the laws and the trust reposed in him. In Testimony thereof I have set my hand and caused the seal of Atoka County Choctaw Nation on the 1th day of Oct. A. D. 1874.

J. L. Ward,
Sheriff of Atoka C. C. N.

Indorsed:

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Jun. 3, 1901.
Tams Bixby, Acting Chairman.

(Copy)

R-320

TRANSLATION OF THE ANNEXED
PAPER.

-----0-----
Dec. 5, 1887,

Atoka County,

Choctaw Nation.

Appointment of

John Ward.

You are hereby appointed guardian of the minor children of Ed Ward deceased, you are to have full controll, and good care for them, and to enter them in some good school. I hereby give you papers to that effect.

Given under my hand this 5 1887 and seal of office.

(SEAL)

5 day of Dec.

N. A. Perkins,

Dept. Clerk.

(Copy)

R-320

Dec. 5, 1887.
Atoka County,
Choctaw Nation.

Appointment of
John Ward.

Hmak Gardian chiath toka kot olla hoffante, ikano E d Ward illi
tok Imalla illopa atokma peh lechit a chukmalet shpihlecha chi
hosh chioth toka hoke yohme holisso pisa kia Apetat Achak malet
ishpehlecha chi mako holessso ottahlet chnualesbke

H imak m'tak 5 1887 filma vno Sobak Micha seal aiene mako
vllahlet Ohinsalishke.

5 day of Dec.

N. A. Perkins,

Dept. Clerk.

(SEAL)

Sworn to and subscribed before me this the 5th day of December,
1887.

(signed)

J. C. FOLSON,
County Judge.

(ENDORSEMENTS)

EXHIBIT C

FRB

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUNE 3d, 1901

Tams Bixby, Acting Chairman.

R-520

(Copy)

William C. York.
Sarah A. York.
Maud E. York.
Lislie O. York.
Mabel L. York.
Eda C. York.
Willie P. York.
Benjamin H. York.

Ada O. Ward.

John Ward.
Nancy E. Ward.
Henrietta Ward.
Joseph B. Ward.
Chester A. Ward.
William E. Ward.
Elmer O. Ward.
Johnie N. C. Ward.

THIS IS TO CERTIFY that the above names are properly enrolled by the Chief Commissioners at Tushkahoma of legal citizenship roll of the Choctaw Nation.

(signed)

tho
A. R. DURANT,
Chairman.

Jan. 15th 1897.

THIS IS TO CERTIFY that the above is a true and correct copy of the original, and that A. R. Durant is the Chairman of the Revisory Board authorized by law to enroll citizens of this Nation, whose certificate as such is entitled to full faith and credit.

GIVEN UNDER MY HAND and the seal of the Choctaw Nation, this the 19th day of January 1897.

(signed)

SOLOMON J. HOMER,
National Secretary, Choctaw Nation.

(SEAL)

(ENDORSEMENTS)

EXHIBIT E
FRB

FILED
MARCH 24 1897
P.B. STONER, Clerk

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 3 1901
Tams Bixby, Acting Chairman.

(Copy)

R-320

Office of
TRUSTEE OF THIRD DISTRICT,
CHOCTAW NATION.

TO WHOM IT MAY CONCERN:-

Reposing special trust and confidence in the ability and integrity ofJOHN WARD....., I hereby designate and appoint him Local Trustee of Wards Chapel neighborhood school, situated in Atoka county, in the 3rd District, Choctaw Nation. Therefore, he, the said John Ward, is hereby authorized to employ a teacher, licensed by the proper authority, for said school and to make true report of the attendance at said school, monthly, to this office, and is required to visit his school once in each month.

Given under my hand and seal of office this, the 30th day of November 1898.

(signed)

S. B. SPRING,

Trustee Third District, Choctaw
Nation.

(SEAL)

(ENDORSEMENTS)

EXHIBIT

A

FRB

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Jun 3 1901

Tama Bixby, Acting Chairman.

61

R-320

1896 Citizenship Docket "B," page 265. Cherokee case No. 4529.

John Ward, et al.	}	Original application
vs.	}	filed Sept. 7 '96. Answer of the Cherokee
Cherokee Nation.	}	Nation filed. Application denied. No
	}	record of any appeal.

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1896 Census Roll of the Choctaw Nation, page 368.

14042	Ward, John.	}	
14043	" Nancy E.	}	
14044	" Henrietta.	}	The following notation appears
14045	" Joseph B.	}	after these names:
14046	" Chester A.	}	"Enrollment refused; said to
14047	" Wm. E.	}	be Cherokee."
14048	" Elmer O.	}	
14049	" Jno. M.	}	
14050	" Addie.	}	

this

-----0-----

Atoka, Ind. Ter. Aug. 1899.

Personal appearance of John Ward, on his own behalf and on behalf of his wife and children for enrollment as citizens of the Choctaw Nation.

Enrollment refused as being on the 1896 Census roll of the Choctaw Nation without authority of law, and also for the additional reason that they have no Choctaw blood.

COPY

FAMILY RECORD.

MARRIAGES.

MARRIAGES.

Samuel Ward & Minerva Thompson
was married Sept the 29th, 1848.

Sherdan Macabee and Etta
Ward was married Dec the
24, 1889

Samuel Ward & Eliza Jane Ramsey
was married Oct. the 14 * 1852.

Edward Ward & Hannah Tenn. McConnell
was married Ap the 20. 1872.

John Ward and Nancy E. York
was married Set. the 19th 1881.

Joseph Ward and Melissa C. York
was married Sept the 15th 1872.

N.B.#943

217

IN RE
Application for Enrollment of
INFANT CHILD

as a citizen of

Nation.

Approved 190

Commissioner.

Card out

7-R-320

N.B.943

JUN 30 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Raymond Winans (Here insert name of child.) born on the 28 day of January, 1904.
Name of Father: Walter Winans a citizen of the United States Nation.
Name of Mother: Ada Winans a citizen of the Choctaw Nation.
Tribal enrollment of father Tribal enrollment of
Postoffice Piney, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }

I, Ada Winans, on oath state that I am 23
years of age and a citizen by blood, of the Choctaw Nation;
that I am the lawful wife of Walter Winans, who is a citizen by
of the United States Nation; that a male child was
(Male or Female.)
born to me on 28th day of January, 1904; that said child has been named
Raymond Winans, and was living March 4, 1906.

WITNESSES TO MARK:

(SEAL)

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 30th day of June, 1906.

W. H. Angell
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }

I, Cora Davis, a Midwife, on oath state that I
attended on Mrs. Ada Winans, wife of Walter Winans
on the 28th day of January, 1904; that there was born to her on said date a male
(Male or Female.)
child; that said child was living March 4, 1906, and is said to have been named Raymond Winans.

WITNESSES TO MARK:

(SEAL)

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 30th day of June, 1906.

W. H. Angell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHOCTAW LAND OFFICE.

Atoka, Indian Territory, June 30, 1906.

In the matter of the application for the enrollment of Raymond Winans as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906.

ADA WINANS, being first duly sworn testified as follows:

Examination by the Commissioner:

- Q What is your name? A Ada Winans.
Q What is your age? A Twenty-three.
Q What is your Post Office address? A Olney, I.T.
Q What is the name of your father? A Joe Ward.
Q What is the name of your mother? A Malissa Ward.
Q Are your father and mother both now living? A No sir, just my mother.
Q When did your father die? A He has been dead 21 years.
Q Have you any brothers or sisters? A No sir.
Q You are the only child? A Yes sir.
Q Do you claim to be a citizen by blood of the Choctaw Nation?
A Yes sir.
Q Do you make your claim through your father or mother?
A Through my father.
Q Has there ever been any application made for your enrollment as a citizen of the Choctaw Nation? A Yes sir.
Q Did you make the application or did your mother make it?
A My mother made it.
Q Did your mother ever marry more than once? A Yes sir.
Q Did she make the application under the name of Malissa Ward?
A Yes sir.
Q And she also made application for your enrollment under the name of Ada Ward? A Yes sir.
Q Do you know when she made application for the enrollment of herself and yourself? A No sir, I don't.
Q Do you know whether the application of your mother and yourself has ever been denied by the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes?
A No sir, I don't.
Q Did your mother ever make claim to enrollment as a citizen of the Cherokee Nation? A I don't know.
Q Do you know whether there has been any application filed with the Commissioner to the Five Civilized Tribes to re-open the enrollment cases of your mother and yourself? A No sir, I don't know.
Q Are you the mother of Raymond Winans, who now makes application for enrollment as a Choctaw New Born? A Yes sir.

(Witness Excused)

WALTER WINANS, being first duly sworn testified as follows:

Examination by the Commissioner.

- Q What is your name? A Walter Winans.

- Q What is your age? A Thirty-one.
- Q What is your Post Office address? A Olney, I.T.
- Q Are you the husband of Ada Winans who has just testified?
- A Yew sir.
- Q Are you the father of Raymond Winans for whom application has been made for enrollment as a Choctaw new born? A Yes sir.
- Q How long have you been married to Ada Winans? A Seven years.
- Q What was her name before you married her? A Ada Ward.
- Q What was the name of her mother? A Malissa Taylor is her present name, she has married since.
- Q What is the name of her present husband? A Ed. Taylor.
- Q What was her name before she married Ed Taylor? A Malissa Ward.
- Q Do you know whether Ada Winans and her mother ever made application to the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes, for enrollment as citizens of the Choctaw Nation? A Yes sir.
- Q Do you know when they made such application? A 1898.
- Q Well was the application denied by the Commission? A Yes sir.
- Q Have you made any application to the Commissioner to the Five Civilized Tribes to re-open their case? A Yes sir.
- Q When was that application made? A Either in February or March of this year.
- Q Did your wife make separate application to open her case?
- A I think it is combined hers and her mothers.
- Q You think her mother made application under the name of Malissa Taylor and also made application for your wife under the name of Ada Winans, to re-open the case? A Yes sir.
- Q Well did your wife or her mother ever claim any rights in the Cherokee nation? Well I never have thoroughly understood just how the claim was, they have Choctaw blood and Cherokee too, and there is something about it that the Commission rejected them as Choctaws on account of their blood being from their mother and the Cherokees rejected them because they had always been in the Choctaw Nation.
- Q Well then their application for enrollment as both Choctaws and Cherokees has heretofore been denied? A Yes sir, by the Tribes is the way I understand it.
- Q Well do you know for a certainty whether they made application for enrollment to the Commission or Commissioner as both Choctaws and Cherokees? A No sir, as Choctaws.
- Q Then the statement you made that their application for enrollment as both Choctaws and Cherokees to the Commission is not correct? A I can not say.
- Q Do you know that their application for enrollment as Cherokees in 1898 was denied by the Department? A By the Cherokee Tribe.
- Q Well have they ever made application to the Commission for enrollment? A Yes sir, as Choctaws.
- Q When did they make that application? A In 1898, when they denied them as Choctaws they had to go to the Cherokee Nation.

(Witness Excused).

I, Charles Bozarth, stenographer to the Commissioner to the Five Civilized Tribes, on oath state that the above is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 10 day of July, 1906.

Charles Bozarth
W. H. Russell
 Notary Public.

(SOFT-DOB)

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES,
SITTING AT MUSKOGEE, INDIAN TERRITORY.

JOHN WARD ET AL, -----APPLICANTS)

VS

) BRIEF AND ARGUMENT FOR APPLICANTS.

THE CHOCTAW NATION.

The facts in this case are: That sometime prior to 1848, Samuel Ward, (a white man and father of the applicant, John Ward) moved to and located in the Choctaw Nation Indian Territory, and on September the 29th, 1848, married a Choctaw Indian woman by blood in accordance with the laws, usages, and customs of the Choctaw Nation and lived with his Choctaw wife in the said Choctaw Nation until her death.

That in 1852, his Choctaw wife having died, he married a Cherokee Indian woman by blood, in the Choctaw Nation; that at the date of his marriage to the Cherokee woman, which was on October the 14th, 1852, she was living in the Choctaw Nation and a resident of said nation; that they ever after that date lived in the Choctaw Nation as husband and wife untill their death:

That the applicant, John. Ward, is a son of Samuel. Ward by his Cherokee Indian wife; that the applicants wife, Nancy R. Ward, is a white woman and that all the other applicants are the children of John and Nancy R. Ward, except Ada. Ward, who is a niece of John. Ward and daughter of Joe. Ward, who is a brother to said John. Ward and son of Samuel. Ward by his Cherokee wife.

That the applicants have been born and raised in the Choctaw Nation and have always lived in said nation, and have always been recognized by the Choctaw Tribe of Indians as citizens of said nation:

That John. Ward and his father have always held, owned and controlled lands in said nation, the same as any other Choctaw Indian

and have always voted in all of the tribal elections, and their children were always admitted into the tribal schools as recognized citizens, and that the applicant, John. Ward, has held various county offices under the Choctaw Tribal Government; such as Deputy Sheriff, permit collector, and trustee of the tribal schools, and at various times been appointed guardian of Choctaw children by the tribal courts;

That on September the 18th, 1896, the Choctaw National Council passed an act, which was on said date approved by the Principal Chief of said nation creating a commission of three citizens of the Choctaw Nation by blood in each county to be appointed by the Principal Chief to enroll all recognized citizens of the Choctaw Nation by blood, in-termarriage and adoption, who were recognized as citizens of the Choctaw Nation under the treaties, Constitution and laws of said nation; (See Act. C.N.C.1896, P.43). That the Commissioners provided for in said act were duly appointed and acting under their authority as provided in said act, enrolled all of the applicants as recognized citizens of the Choctaw Nation:

(See rolls made by Choctaw Commissioner under act, Sept. 18th, 1896) That on October the 30th, 1896, the Choctaw National Council passed an act, which was approved on said date by the principal chief, authorizing the Principal Chief to appoint a commission for each district in the Choctaw Nation, each commission to consist of five members, who must be citizens of the Choctaw Nation and residents of their respective districts, to make correct rolls of all recognized citizens of said nation by blood, in-termarriage and adoption and to expunge from the rolls made by the commissioners under the act of September 18th, 1896, the names of any person whom they shall adjudge not to be citizens; and to expunge from the rolls of freedmen and what is known as the Lease District Rolls all such names adjudged not to be citizens.

It was provided in said act that the Chief Commissioner as provided for, shall constitute a revisory board, and that they

shall meet at the expiration of the time allowed the district commissioners and revise the rolls made by said district commissioners; (See Act. C.G.1896, P.75 & 78) That the commissions provided for in that act were duly appointed by the Principal Chief and acting under the authority granted them in said act, enrolled all the applicants as recognized citizens of the Choctaw Nation, and were also enrolled by the revisory board provided for in said act. (See rolls made by Choctaw Commissioners and revisory board under act Oct. 30th, 1896)

Argument.

The facts in this case present three propositions:- viz.

- First. Did claimants father (Samuel. Ward), by his marriage to the Choctaw Indian Woman, to all intents and purposes, become a citizen of the Choctaw Nation ?
- Second. If claimants father, by his marriage to the Choctaw Indian woman, became a citizen of the Choctaw Nation, did he loose that citizenship by his subsequent marriage to the Cherokee Indian woman ?
- Third. If claimants father, by his marriage to the Choctaw Indian woman, became a citizen of the Choctaw Nation and did not loose that citizenship by his subsequent marriage to the Cherokee Indian woman, was his citizenship such as he could confer citizenship rights in the Choctaw Nation upon his Cherokee wife and the children of such marriage ?

That Samuel. Ward by his marriage to the Choctaw Indian woman to all intents and purposes became a citizen of the Choctaw Nation can not be denied. The thirty-eight article of the treaty of 1866

(14 Stat. at Large)

Provides:- "Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punish according to their laws in all respects as though he was a native Choctaw or Chickasaw."

The treaty makes every white man, who had married a Choctaw or Chickasaw woman a citizen, to use the language of the last words of Article 38, above set out, "in all respects as though he was a native Choctaw or Chickasaw,".

By this provision of the treaty there is no difference between a citizen by virtue of his marriage and a native Choctaw or Chickasaw.

They are to enjoy equally and alike all the benefits of Choctaw and Chickasaw citizenship, as well as share the burdens.

By the fifth section of the act of the Choctaw Council, approved November 9, 1875 (Durant Dig., 225), it was enacted:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Choctaw Nation, by intermarriage as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman or person as the case may be having no rights of Choctaw citizenship by blood. In that case all of his or her rights acquired under the provisions of this act shall cease."

Evidently, it had been the custom and usage among the Choctaws, prior to the enactment of article five, above set out, to recognize, as citizens, all white men and their descendants,

who had married a Choctaw woman, and afterwards loses his Indian wife, marries a white woman or non-citizen.

That this is obvious, there can be no doubt, for there could have been no other cause for the enactment of the Choctaw statute above set out. No other cause demanded its enactment; no other reason can be given for the enactment, and it could serve no other purpose than to change the then existing policy, usage, and custom of the Choctaw Government in recognizing white persons, who had married a citizen and afterwards, loses his or her Indian wife or husband, marries a white person or non-citizen, and to fix the citizenship of such persons marrying under those conditions, subsequent to its enactment.

The Choctaw Statute undertakes to deprive the white man or woman, who shall lose his or her Indian wife or husband and afterwards marry a white person or non-citizen of all the rights of citizenship. The marriage according to the provisions of the 38 article of the treaty above set out, had vested a title to the land in him, this is to be divested from him, and he or she is thereafter to be considered an intruder, subject to be removed from the country under the intercourse laws of the United States. This, too, notwithstanding the fact that his or her children, the issue of his or her Indian marriage are Indians by blood and entitled to remain. But the provisions of the statute, being in conflict with the treaty, are absolutely void.

But the Choctaw Statute could have no application to these claimants, for the reason that the marriage of Samuel Ward to the Cherokee woman was solemnized long prior to the enactment of the Choctaw statute, and as there was no "marrying out act" in force in the Choctaw Nation at the date of said marriage, the rights of Samuel Ward became vested in the Choctaw Nation by his previous marriage to the Choctaw Indian woman and his subsequent marriage to

the Cherokee Indian woman could not and did not have the effect to divest him of the rights which he had acquired by his previous marriage to the Choctaw Indian woman.

But conceded that the marriage of Samuel. Ward to the Cherokee woman did have the effect to divest him of his citizenship rights in the Choctaw Nation, that marriage having been solemnized prior to the adoption of the treaty of 1866, his citizenship became fixed by the provisions of that treaty. The treaty provides that, " Every white person who, having married a Choctaw or Chickasaw, resides in the Choctaw or Chickasaw Nation, ~~xxxx~~ ~~xxxxxxx~~, is to be deemed a member of said nation, ~~xxxxxxxxxxxxxxx~~ in all respects as though he was a native Choctaw or Chickasaw."

Whatever effect the marriage of Samuel. Ward to the Cherokee woman may have had upon his citizenship rights in the Choctaw Nation, his citizenship and rights became vested in the Choctaw Nation by the adoption of the 38 article of the treaty above set out, and by that article of the treaty, he became a citizen of the Choctaw Nation as much so as if he had been a native Choctaw; subject to the laws of the Choctaw Nation; to prosecution and trial before their tribunals, and to punishment according to their laws

By this provision of the treaty there is no difference between a citizen by virtue of his marriage and a native Choctaw.

The marriage of a Choctaw Indian to a white woman or non-citizen confers citizenship rights upon such person and the issue of such marriage, and in like manner the marriage of Samuel. Ward to a white woman or non-citizen would confer citizenship rights upon such person and the issue of such marriage. If this were not true, then the citizenship of the white man, who became a citizen of the Choctaw Nation by virtue of the provisions of the treaty and the citizenship of a native Choctaw would be different, and the rights flowing therefrom would not be the same, although, the provisions of the treaty make them the same; in fact they are the same, the citizenship being the same, the rights flowing therefrom would be the same and the issue of their marriage, whether to

native Choctaws, white women, or non-citizens would be the same, and, of course, the father being a lawful citizen, his children would follow his citizenship and by inheritance, take any property rights he may have acquired thereby.

The Choctaw people and Government seems to have taken this view of the citizenship of the applicants, as the evidence in this case shows that John. Ward and his father have always been permitted to own and hold lands in the Choctaw Nation, and to vote in all of the tribal elections; their children to attend the tribal schools as recognized citizens, and John. Ward having held various offices under the tribal government and acted as guardian of Choctaw Children, and all having been recognized as citizens by the Choctaw people and the tribal government up to the time of their rejection by the Commission to the Five Civilized Tribes in the year, 1898.

But it might be contended that the claimants being Cherokees by blood, that if they have any citizenship rights in the Indian Territory at all, that those rights would be in the Cherokee Nation.

It appears from the testimony in this case, that the applicants come within the following provision of the Cherokee Constitution.

"1. Whenever any citizen shall remove, with his effects, out of the limits of this nation and become a citizen of any other government, all of his rights and privileges as a citizen of this nation shall cease; Provided, nevertheless, That the national council shall have power to readmit by law to all the rights of citizenship any such person or persons who may at any time desire to return to the nation, on memorializing the national council for such readmission."

This provision just quoted is from the constitution of the Cherokee Nation as now constituted, being a part of section 2 of article 1.

The claimants status in the Cherokee Nation is fixed by the

status of claimant, (Ward's), mother at the time of her marriage to Samuel. Ward in the Choctaw Nation in the year 1852.

By the provisions of the Cherokee Constitution above set out, her status was then fixed as that of one who had taken up a residence in another nation and under an other government. She had ceased to be a citizen of the Cherokee Nation, and having never moved back and readmitted to citizenship by complying with the constitution and laws of the Cherokee Nation, as declared by the Supreme Court in the case of the "Eastern Band of Cherokee Indians vs. The Cherokee Nation and the United States ", (117. U. S. BK. 29, Pp. 880,), forever ceased to be a citizen of the Cherokee Nation.

She being a non-citizen of said nation, of course, her children would acquire no greater rights than she, and would therefore be non-citizens also, and forever remain so, unless, they moved back to the Cherokee Nation and be readmitted as citizens by complying with the constitution and laws of said nation, which in this case was never done.

That these claimants had the right, prior to the vesting the power in the Commission to the Five Civilized Tribes to determine the questions of citizenship of the respective tribes, to move to the Cherokee Nation, and by memorializing the national council, would have been entitled to be readmitted as citizens of said nation.

Why this was never done, is easy of explanation. Their citizenship had never been brought in question, and there had never been any necessity for them or their ancestry to move back to the Cherokee Nation and memorialize the national council for readmission for citizenship.

Their residence and citizenship had, for more than forty years been fixed in the Choctaw Nation. They had been born and raised in the Choctaw Nation and among the Choctaw people, sharing alike, the benefits and burdens of Choctaw citizenship; and during all of their lives, had been recognized by the tribe and tribal

government as citizens of said nation. I doubt not, that if now left to the fullbloods Indian of the Choctaw Nation to determine the citizenship of these applicants, that more than nine tenths of them would say, give them their citizenship rights in our nation; they have always lived among us, we always recognized them as citizens; they shared the burdens and benefits of our government, and now, since tribal dissolution has come, we, in justice to them, will not deny to them, that which we have so long recognized.

By the act of Congress, June 28th, 1898, commonly known as the Curtis Bill, it was enacted, " The tribes may, by agreement, determine the rights of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of money belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right, but if he fail to refuse to make such selection in due time he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distribution, and not elsewhere."

The part of the act above set out, seems, according to my view of construction, to make ample provision for the determination of the rights of the applicants in this case. They are evidently, entitled to citizenship rights and distribution of lands in, either the Choctaw or Cherokee Nation, and in as much as the Choctaws and Cherokees have made no agreement, as provided for in the act of Congress, above set out, and in as much as the claimants herein have always resided in the Choctaw Nation and having selected that nation in which they will take their rights, there seems to me to be no other course for the Commission to pursue, other than to enroll the applicants as citizens of the Choctaw Nation and to share in the distribution of lands therein.

The provision of the act of Congress, June 28th, 1898, could have no application, whatever, to the Choctaw and Cherokee Tribes

whose names and claims to citizenship are just the same as there
 would be had regard to other affairs. Of York and his family,
 daughter of Samuel. With in his children. We cannot give it
 C. York's wife to a full power of the nation. York's wife, and
 Indian Territory, as well as her father, and the said William.
 choice of the United States Court for the General District of the
 by the Commission to the Five Civilized Tribes of Affairs of
 Affairs. C. York's wife, and children on the Choctaw rolls were
 taken from calling the Commission to the Five Civilized Tribes
 with it to be not a matter of course. In the case, I could not
 maintain civilized affairs, and a
 certain conditions, where the case was not more of the three re-
 only apply to those of Choctaw and
 application of the provisions of the Choctaw and Chickasaw
 differences between the Choctaw and Chickasaw in the respect. The
 the land of the Choctaw and Chickasaw Nations, for such is no
 as we were interested in the case of the application of

John Ward et al
 The Choctaw Nation

Brief & Argument for Applicants
 Department of the Interior
 Commission to the Five Civilized Tribes.
 T. S. Dixby, Commissioner.

JUN 16, 1902

as between themselves, as to their rights to a distribution of the lands of the Choctaw and Chickasaw Nations, for there is no difference between a Choctaw and Chickasaw in that respect. The application of the provision of congress above set out, could only apply to those Choctaws and Chickasaws, who, might, under certain conditions, have rights in one or more of the three remaining civilized tribes, and vice versa.

While it is not a matter of record in this case, I can't refrain from calling the Commission's attention to the fact that William. C. York, wife, and children are on the Choctaw rolls made by the Commission to the Five Civilized Tribes, by virtue of a decree of the United States Court for the Central District of the Indian Territory, at South McAlester, and that the said William. C. York's wife is a full sister of the applicant John. Ward, and daughter of Samuel. Ward by his Cherokee wife. We submit that it would be very unjust to allow William. C. York and his family, whose rights and claim to citizenship are just the same as these applicants, to remain on the rolls and at the same time, deny these applicants that right, which they so justly deserve. We desire to call the Commission's attention to fact that at the time of the rejection of the applicants by the Commission in 1898, they had no right of appeal from that decision.

In conclusion, we submit that simple justice and equity demand that these applicants be placed on the rolls of the Choctaw Nation, where they properly belong. Our contention in this case is in keeping and in harmony with the decision of the various United States judges in the Indian Territory, on these questions of citizenship.

Respectfully Submitted.

U. S. Fanner.

Attorney for Applicants.

Commission to the Five Civilized Tribes,
Tushkahoma, Indian Territory.

October 3, 1899.

In the application of Sarah F. Ward for enrollment of herself and children as choctaws; being sworn and examined by Com'r McKenna she testifies as follows:

Q What is your name? A Sarah F. Ward.

Q How old are you? A Forty-six.

Q You are a Cherokee Indian are you not? A Yes sir.

Q What degree of Cherokee blood have you? A My mother was about a full-blood, and my father was a white man.

Q What was your husband's name- Mr. Ward? A Jeremiah Ward.

Q He claimed choctaw citizenship did he not? A Yes sir.

Q He was admitted by the Dawes commission as a choctaw citizen?

A Yes sir.

Q He is dead is he not? A Yes sir.

Q Were you living with him at the time of his death? A Yes sir.

Q When were you married to him? A We was married in 1879.

Q Where? A At Skullyville.

Q Under the choctaw law? A A preacher, - he is dead.

Q Just a Minister performed the ceremony? A Yes sir.

Q You know whether he had any license or not? A No sir we hadn't; I don't know that they required any license then.

Q At the time your husband made application for citizenship as a choctaw to the Dawes commission in 1896 you made application for yourself and your children as citizens of the Cherokee Nation did you not? A I made it with his first, and then I made out for Cherokee Nation.

Q Did you apply both as a Cherokee and as a choctaw?

A Yes sir, I applied with him as a choctaw citizen here.

Q You were denied citizenship as a choctaw and as a Cherokee as

Sarah: Ward et al #2)

you understand it then? A I was denied as a Cherokee.

Q As to the Choctaw application you think that has not been finally settled? A Yes sir, that's what you told me when I appeared before you at down yonder.

Q You have some children by him? A Yes sir, I have three.

Q What is the oldest name? A Henry D., seventeen years old; Grover C., fourteen years old; Francis P., thirteen years old.

Q These are children by Jeremiah Ward, and they are living now?

A Yes sir; I have one dead.

Q Where have you been living with these children?

A Right there at one place in the Choctaw Nation, Skullyville County.

Examined by Chas Com'r Lewis:

Q When your husband applied to the Dawes commission did he apply for you too? A Yes sir.

Q You don't know whether they admitted you or not? A No sir.

Examined by Att'y Frederick:

Q Who prepared the papers for the application? A Judge John Taylor.

Judge John Taylor being sworn and examined states:

Q What is your name? A John Taylor.

Q How old are you? A Fifty-three.

Q Were you acquainted with Jeremiah Ward? A Yes sir.

Q How long did you know him? A Thirty-five or forty years.

Q What do you know of his Choctaw citizenship? A I don't know anything about that only that he always lived in Skullyville County, and held different official positions; was Sheriff and Circuit Judge and County Judge; but so far as his being a Choctaw I couldn't say, I don't know anything about that. I prepared his papers and sent them to the commission.

Sarah F. Ward et al -John Taylor witness #3)

Examined by Attorney Frederick:

Q Who was included in that application? A I think I included Judge Ward and his wife and the children; I couldn't swear positively to that.

Q Who made out the application for Mrs. Ward for Cherokee citizenship? A I don't know.

Examined by Com'r McKennon:

Q You are certain that the application for Choctaw citizenship included his wife and children? A I couldn't say positively, but I believe it did.

Com'r McKennon: Following is an Act of the Choctaw Council:

"An Act permitting Mrs. Ward and family, and Jno. and Wm. Cooper to remain in the Nation.

Sec.3: Be it enacted by the General Council of the Choctaw Nation assembled, that Mrs. Ward and family, and Wm. Cooper and Jno. Cooper, are hereby permitted to remain in the Nation during good behavior. Approved October, 1884."

The following is a copy of an original paper in possession of the National Secretary of the Choctaw Nation:

"A resolution directing the Principal Chief to vacate the Commission of Jeremiah Ward, who was declared elected Circuit Judge of the 1st Judicial Circuit, Choctaw Nation:

Whereas, it appears to the General Council of the Choctaw Nation that Jeremiah Ward, who was declared to have been elected to the office of Circuit Judge of the 1st Judicial Circuit at the last general election, August 1884, is and was at the time of said election ineligible to said office, for the reason that he is not now, nor has he ever been, a lawful citizen of said Nation, there having been no law or treaty which provided for his intermarriage with a Choctaw, and if there had been, he having forfeited his rights by subsequent marriage with a woman not a Choctaw by blood, and Whereas, great injury will result to the Nation and to the citizens thereof, unless an eligible judge be appointed in time to hold the term of said Circuit court of said 1st District, to be holden the 1st Monday in November, 1884;

Therefore, be it resolved by the General Council of the Choctaw Nation assembled, that the Principal Chief is hereby authorized and required to declare the office of Circuit Judge of said 1st Judicial Circuit vacant, and appoint some well qualified and lawful citizen of this Nation and said District to fill said office, and that this resolution take effect and be in force from and after its passage.

Proposed by James M. King, Chairman Committee. Prin. Chief's Message."

Indorsed:

"Passed the Senate Nov.3rd, 1884. Chas. Winston, Pres. Passed the House and referred to Chief Nov. 3rd, 1884. Jno. R. James, Spr pro tem. Approved Nov.3rd, 1884, Ed McGurtain, Prin.Chief C.N."

Sarah P. Ward et al- 44)

No. 34."

And indorsed on the other side:

"No. 34. A Resolution vacating the commission of Jeremiah Ward, Judge of the 1st Judicial District."

Com'r McKennon:

This application is for the enrollment of Mrs. Ward and the three children above named. She being a Cherokee citizen, and not a white woman, could have acquired no rights as an intermarried person by marrying Jeremiah Ward, if he was a Choctaw citizen by blood. If she and the children were included in the application with Jeremiah Ward, the husband and father, who were rejected by the Dawes commission in 1896, that judgment is final against them, and they could not be enrolled; besides, these children being now of ages above mentioned, were not born since the present recognized rolls of the Choctaw Nation were made, and the Commission would therefore have no jurisdiction to enroll them, even if there was no judgment against them in 1896, as above stated. The enrollment of all will therefore be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T. March 12, 1901.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Sarah F. Ward and her three minor children. Sarah F. Ward being duly sworn by Acting Chairman Bixby testified as follows:

Examination by the Commission.

- Q What is your name? A Sarah F. Ward.
Q What is your age? A 47 going on 48.
Q What is your post-office address? A Bekoshe.
Q How long have you lived in the Choctaw Nation? A About 21 years.
Q Have you lived there continuously for that length of time?
Q Yes sir, I have lived right there on one place.
Q Where did you come from to the Choctaw Nation?
A Cherokee Nation, from Sequoyah District.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Had you ever enrolled as a citizen of the Cherokee Nation?
A Yes sir. The first time I married, I married a white man and he had to get a license from the Cherokees.
Q You left the Cherokee Nation before 1890? A Yes sir.
Q Have you ever been enrolled in the Choctaw Nation? A Not that I know of.
Q Did you ever draw any money for yourself and your children from the Choctaw Nation? A Mr. Ward drew after we was married but I didn't draw any.
Q What was your father's name? A Charles Fleetwood.
Q What nationality was he? A I don't remember now. I think he was from South Carolina. I think he was born and raised in South Carolina as well as I can remember.
Q He was a white man? A Yes sir.
Q He is dead now? A Yes sir.
Q What was your mother's name? A Lucinda Fleetwood.
Q Did she belong to any tribe of Indians? A Cherokees, she always told me. She was born and raised with them.
Q You are applying now for the enrollment of yourself and your three children Henry E., Grever Cleveland and Frances T. Ward as citizens of the Choctaw Nation? A Yes sir.
Q These are your three boys that are living now are they?
Q The youngest one is a girl, Frances.
Q Who was the father of these three children? A Jeremiah Ward.
Q Is he living? A No sir.
Q Was he a member of any tribe of Indians in the Indian Territory? A Choctaw by blood is what he always told me.
Q To what tribe did he belong? A Choctaw.
Q Always been recognized by the Choctaw authorities as a member of the tribe? A Yes sir.

On October 9th, 1890, at Tushkahomma, Indian Territory, Sarah F. Ward applied for the enrollment of herself and her three minor children as citizens of the Choctaw Nation. Upon an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the names of these persons were not found thereon.

Sarah F. Ward 2--

On August 6th, 1900, at Hallisaw, Indian Territory, Sarah F. Ward appeared before the Commission as an applicant for enrollment as a citizen of the Cherokee Nation. Her application was refused under the provisions of the act of Congress approved May 31st, 1900 for the reason that her name was not found upon any of the tribal rolls in the possession of the Commission nor had she ever been admitted to citizenship in the Cherokee Nation by the tribal authorities thereof or by the properly constituted authorities of the United States.

Q Mrs. Ward, did you ever make application to the Commission to the Five Civilized Tribes under the act of Congress of June 10th, 1896, for citizenship in the Choctaw Nation? A Mr. Ward made it in his application.

Q Your name was included in that application? A Yes sir, mine and the three children.

Under the act of Congress of June 10th, 1896, an original application for citizenship in the Choctaw Nation was filed by Jeremiah Ward and the same appeared upon the 1896 citizenship docket C, Choctaw case No. 32. The original application in this case was filed September 9th, 1896 and prayed that Jeremiah Ward, Sarah F. Ward, Henry B. Ward, Grover C. Ward and Frances F. Ward be admitted to citizenship in the Choctaw Nation and duly enrolled as such citizens. On October 9th, 1896, the answer of the Choctaw Nation was filed thereto. The original petition in this case alleges that the applicant, Jeremiah Ward was born in 1822 in the state of Mississippi and that in the year 1844 he married a Chickasaw Indian and after her death in 1849 married a Choctaw Indian woman by whom he had a number of children. In 1878 for various reasons a divorce was granted him from his Choctaw wife and he then in the year 1879 married his present wife, Sarah F. Ward, nee Palmore, a Cherokee woman by whom he has three children. It appears that the applicant, Jeremiah Ward claims his right by reason of his marriage to his second wife and makes claim on behalf of his Cherokee wife by reason of her marriage to him.

The original entry on the 1896 citizenship docket of Choctaw cases is as follows: "Application granted as an intermarried citizen." and on the face of the original papers filed in this case the following notation: "Jeremiah Ward is admitted as an intermarried citizen."

There is no record of any appeal having been taken from the decision of the Commission nor does it appear that there has ever been any action taken by the Commission on the application filed by Jeremiah Ward in 1896 for his wife, Sarah F. Ward and their three children, Henry B. Ward, Grover C. Ward and Frances F. Ward.

Q Did you ever make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Cherokee nation?

A Yes sir, I had no proof though and Mr. Ward was down sick and I couldn't get out to get it and made it to the best of my knowledge and was rejected.

Q Do you know the title of the case in which your application was included? A Yes sir.

Q What is it? A I just asked them to enroll me over there as a Cherokee and stated that I was a Cherokee by blood.

Sarah F. Ward 3

~~CONFIDENTIAL~~

Q I mean in 1896 at the time Mr. Ward made the application for citizenship in the Choctaw Nation didn't you make an application for citizenship in the Cherokee Nation? A Yes sir, and was rejected.

Q Do you know the title of that case? A No sir, I don't remember now. I have got a notice of it though at home where it was rejected.

The records of the Commission of original applications for citizenship in the Cherokee Nation heard under the act of Congress of June 10th, 1896 examined and on page 443 of citizenship docket B in Cherokee case 5572, Eljerry Fleetwood et al versus the Cherokee Nation, original application filed September 7th, 1896. The answer of the Cherokee Nation was filed and on November 24th, 1896 the Commission admitted to citizenship in the Cherokee Nation the applicants whose names were included in the original application filed with the Commission on September 7th, 1896. Included in such original application were the names of Sarah Fleetwood Ward, Geover C. Ward, Jerry Ward and Henry Ward. From the decision of the Commission the Cherokee Nation prayed an appeal to the United States Court for the Northern District of the Indian Territory and that court on November 10th, 1899 in court case No. 252 rendered a decision admitting to citizenship in the Cherokee Nation 24 of the applicants named in the original petition. By the same judgment citizenship in the Cherokee Nation was denied the following persons: Sarah Ward, Samuel Weeks, Susan Palmore, Ward, Johnnie Fleetwood Andrew Palmore, Grover Cleveland Ward, Ward, Roxie Fleetwood, Arizona Fleetwood and Winnie Fleetwood.

The persons to this application apply for enrollment as citizens of the Choctaw Nation but their names are not found upon any of the tribal rolls of the Choctaw Nation now does it appear from an examination of the Choctaw records in the possession of the Commission and the records of the Commission, that they have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof or by this Commission acting under the law of June 10th, 1896 or by the United States Court in Indian Territory on appeal.

0-----0

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 12th day of March, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 13th day of March, 1901.

Chas. L. Emerson
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE SEVEN CIVILIZED TRIBES.
WISCONSIN, I. T. Dec. 18, 1901.

7-1321

In the matter of the application of Sarah F. Ward and her three minor children for enrollment as citizens of the Choctaw Nation.

(John Lenden attorney for applicants:)

Jane F. Page being sworn as a witness in this case testified as follows:

Examination by the Commission:

- Q What is your name? A Jane F. Page.
- Q How old are you? A 60 years old, will be 70.
- Q What is your post office address? A Peola.
- Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
- Q Are you acquainted with a man named Jeremiah Ward? A Yes, knowed him ever since I can remember.
- Q Was he a white man? A No sir.
- Q Did he have Indian blood? A Yes, knowed his old mother.
- Q How much Indian blood did he have? A I don't know; his father was a white man and his mother Choctaw.
- Q Do you know how much Choctaw blood his mother had? A I can't-- his mother had as much Choctaw as I have; my father was half breed and mother was a quarter.
- Q Were Jeremiah Ward and his mother recognized as citizens of the Choctaw Nation? A I reckon they was; when Jeremiah Ward pulled off at 25 years old-- he was sheriff for a while and County Judge, circuit judge and supreme judge and drawed money with us and he was recognized as Indian.
- Q Is he dead now? A Yes sir.
- Q When did he die? A I don't remember how long he has been dead; it has not been many years since he died.
- Q Was he living in 1893 when the Leased District payment was made? A Yes sir.
- Q Did he draw money at that time? As a Choctaw Indian? A Yes, just as long as we drawed money he did.
- Q Do you know the name of his first wife? A No; she was nearly full blood; I was at his wedding; his first wife.
- Q When was he married to her? A I don't remember but I saw a little girl about 10 years old.
- Q How long did he live with her? A Till they was old folks had a house full of children.
- Q Did she die? A No sir I think she is living; they were separated.
- Q Were they divorced? A I guess so; he married the second time, he couldn't have married unless divorced.

2--ten of Jane F. Page

- Q You don't know then whether they were actually divorced? A No, I can't swear.
- Q What was the name of his second wife? A I knowed but I never saw her till yesterday.
- Q How many times was he married? A Twice.
- Q Do you know that this woman here, Sarah F. Ward, is the wife of this identical Jeremiah Ward whom you have been talking about?
- A Yes; I was never at her house but once.

Witness excused and Francis M. Monks called and sworn as a witness in this case:

- Q What is your name? A Francis M. Monks.
- Q How old are you? A I will be 73 in March.
- Q What is your post office address? A Sutler.
- Q Are you a citizen of the Choctaw Nation? A Yes sir.
- Q By blood or inter marriage? A Inter marriage.
- Q How long have you lived in the Choctaw Nation? A I have been considered a citizen since '58.
- Q Are you acquainted with this applicant here, Sarah F. Ward?
- A Not personally acquainted with her; I was well acquainted with her husband.
- Q What was her husband's name? A Jerry Ward; I don't know his middle name.
- Q Did you know him well? A I knowed him well off and on up to his death.
- Q Was he a white man? A I can't tell you what blood he was.
- Q What was he considered to be, white man or Indian? A I don't know that--when I first knew him he was considered a citizen and acting as official in Skullyville County.
- Q Do you know whether he held this office as a citizen or by blood?
- QA I don't know he was circuit and County judge.
- Q Do you know the name of his wife? A I knew the woman but don't know the name.
- Q Was she a white woman? A --
- Q Was she Indian? A I think she was.
- Q What tribe of Indians was she a member of? A It is my opinion she was Choctaw.
- Q When was he married to her? A I don't know; they was living together when I got acquainted with him; that's about '58 I suppose; he lived near Skullyville County.
- Q He was living with this Choctaw woman in '58? A That's my knowledge; I wasn't personally acquainted with either one of his wives; I was acquainted with him and his boys; I am acquainted better with him and his children than either one of his wives.

Examination by Simon E. Lewis:

To Sarah F. Ward:

- Q Wasn't your maiden name Fleetwood? A Yes sir.
- Q Didn't you always used to pass for a Cherokee? A Yes sir.

Simon E. Lewis being sworn as a witness testified as follows:

- Q What is your name? A Simon E. Lewis.

1--S. T. Wade:

Q How old are you? A Sixty two years old.

Q What is your post office address? A M. Alister.

Q You are a citizen by blood of the Cheateaw Nation? A Yes sir.

Q Were you acquainted with a woman - A man named Jeremiah Ward? A Yes sir.

Q How long did you know that man? A I never was personally acquainted with him until about '65; I had heard of him a good while before that.

Q State what you know about the blood of his family. A I wish to state that in the old Joseph F. Fulson Code there is a law there admitting Mrs. Ward and her children to remain here during good behavior; that woman was Jerry Ward's mother; I suppose by that they weren't citizens; that's all I go by; I think her maiden name was Cooper; it was simply a permit to remain here during good behavior; they weren't citizens at that time.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above case on December 16, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 6 day of January, 1903.

Charles H. Sawyer

Notary Public

Wax

C O P Y

7-R-321.

Shady Point/ I. T., Sept. 25, '99.

This is to certify that I am a daughter of Jeremiah Ward and an Indian citizen by blood and was present at the marriage of my father, ^{Jeremiah Ward} and Sarah Palmore on or about the 14th day of November, 1879, and witnessed the marriage.

her
Mandy x Henderson.
mark.

Sworn and subscribed before me,
this the 25 day of Sept. 1899.

(Signed) M. V. Reagan.

(Seal).

My Commission Feb. 1901

There appears the following on the back:

" DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES/

F I L E D

Mar. 12, 1901,

Tams Bixby, Acting Chairman. "

C O P Y

Dept. of the Interior,
Commission to the Five Civilized Tribes,
Bokoshe.

Jeremiah Ward,
vs No. 32.
Choctaw Nation.

Ft. Smith, Ark.

Dec. 1st, 1896.

Sir:

In compliance with the provisions of Act of Congress approved June 10, 1896, the Commission to the Five Civilized Tribes has considered this application with proof, and the same has been granted by the Commission.

Respectfully,

H. M. Jackoway, Jr.,

Secretary.

There appears on back:

"DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D

Oct. 17, 1901,

Tams Bixby,

Acting Chairman".

7-R-321

C O P Y

Thomas J. Wall, of Cameron, Indian Territory, says that he is 53 years of age; that he is a Choctaw Indian by blood; and that he was well acquainted with one Jeremiah Ward deceased. That he knew said Ward, when he, (Ward) was Sheriff about 40 years ago, of Soulllyville County, Choctaw Nation, and later on when he served the people as circuit judge of Masholatubbee District, Choctaw Nation.

(Signed) Thos. J. Wall. ✓

Subscribed and sworn to before me,
this 19th day of Feby, 1901.

(Signed. C. G. Adkins,

(Seal).

Notary Public.

On back as follows:

" DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D

Mar 12, 1901.

Tams Bixby, Acting Chairman."

Jessie Riddle, of Cameron, Choctaw Nation, Indian Territory, says he is 56 years of age and a Choctaw Indian by blood, and that he was well acquainted with one Jeremiah Ward, deceased, whose family by his second and last wife has been denied citizenship by the Dawes Commission in the Choctaw Nation, and that he remembers when said Ward was Lighthorseman, about 45 years age and later on served Scullyville County as Sheriff and later on was elected Circuit Judge of Moshol-atubbee District by the legal voters of said District.

his
Jesse X Riddle.
mark.

Attest C.G. Darkins

Subscribed to before me this 22nd day of Feby. 1901.

C. G. Darkins
Notary Public.

(SEAL)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D .

MARCH 12, 1901.

Tams Bixby, Acting Chairman.

Sarah F. Ward, et al., Plaintiffs,

vs

The Choctaw Tribe of Indians.

The deposition of William R. Foyil, taken on the fifth day of March, 1901, between the hours of 8 a. m. and 6 p. m. at the Notary Public office of Frank E. Parke, in the town of Spiro, I. T., in the Central Dist. of the Indian Territory, to be read as evidence in the action between Sarah F. Ward, plaintiff, and the Choctaw tribe of Indians, defendant, pending before the Honorable Commission to the Five Civilized Tribes, at Muskogee, Ind. Ter.

This 5 day of March, 1901, personally appeared before me, Dr. William R. Foyil who says:-

" I am acquainted with Mrs. Sarah F. Ward, the plaintiff in this case and have known her about fourteen years. I knew her as the wife of Jerry Ward. I knew Jerry Ward, deceased, from 1872, to the time of his death. I knew him as an Officer of the Choctaw Nation, Ind. Ter. He was District Judge of Moskolatubbee District for many years and was recognized by the tribe as a member in full fellowship. I never heard his citizenship disputed until he was disfranchised by the Choctaw Council; I always thought he was an Indian by blood."

(Signed) Wm. R. Foyil.

INDIAN TER.

CENTRAL DIST.

I, Frank E. Parke, a Notary Public within and for the Central Dist of the Indian Territory, do certify that the foregoing deposition of Wm. R. Foyil, was taken before me,

and was read and subscribed by him in my presence, at the time and place and in the action mentioned in the Caption. The said William R. Foyil having been first duly sworn by me that the evidence he should give in the action, should be the truth, the whole truth, and nothing but the truth, and that his statements were reduced to writing by me in his presence and after read by him; neither the plaintiff nor the defendant being present.

Given under my hand this 5th day of March, 1901.

(Signed) Frank E. Parke,

My Com Exp 1 - 31 -1904.

Notary Pub.

The following appears on the back:

" DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D

Mar. 12, 1901.

Tams Bixby,

Acting Chairman. "

UNITED STATES OF AMERICA.

INDIAN TERRITORY.

CENTRAL DISTRICT.

Before me the undersigned, a Notary Public, within and for the Central District of the Indian Territory, on this 8th day of March, 1901, personally appeared John Taylor, to me well known and under oath stated:-

My name is John Taylor. My present Post Office address is Hoyt, Indian Territory. I am fifty four years old past. I am a member of the Choctaw Tribe of Indians by blood. I was born in Mississippi and emigrated to the Choctaw Nation with my parents and family in the year 1848. We settled one mile North of old Scullyville, better known as Oak Lodge. I have known Jeremiah Ward ever since I can remember, up to February, 1898, when he died. He was a recognized Choctaw citizen and held various offices under the Choctaw Government, both before and after the war, up to 1884, as his Commissions filed with the Dawes Commission in 1896 will show. His second wife was very near a full blood Choctaw, and he raised a large family of children by her, including Robert Ward, Jeff Ward, Silas Ward and others; all recognized and some of them prominent Choctaws. They were divorced in about 1875 or 1876, by the Choctaw Court. About 1878 or 1879 he married his surviving wife, Sarah F. Ward and they lived together until his death. They had five children born to their marriage, of which three, Henry B. Ward now about eighteen years old, Grover C. Ward now about sixteen years old, and Frances F. Ward now about fourteen years old, are still living. His last wife Sarah F.

Ward claimed to be part Cherokee, but has resided in Scullyville County, Choctaw Nation, ever since she married, said Jeremiah Ward and is still living in Skullyville County.

In 1884, at a session of ~~the~~ Choctaw Council, Jeremiah Ward was disfranchised by an act of Council. He was at that time holding the office of Circuit Judge of the first Judicial District of the Choctaw Nation. In 1896 I made application for him to the Dawes Commission, to have him, his wife Sarah F. Ward and their three children enrolled as Choctaw citizens. His application was granted by the Dawes Commission. I lived near Jeremiah Ward during all the time I knew him, and I was intimately acquainted with him. He was more than seventy five years old at the time of his death.

I have held the office of County Clerk of Skullyville County, Choctaw Nation for six years, and I have held the office of County Judge of Skullyville County for four years. I held the office of the Clerk of the District Court for the first District of the Choctaw Nation for two years, and County Judge of San Bois County for two years. I am now County Clerk of San Bois County. I have been a notary public under appointment from the United States Court in the Indian Territory for ten years.

(Signed) John Taylor.

Subscribed and sworn to before me at Peteau, Indian Territory, this 8th day of March, 1901.

(Signed) Malcolm E. Russel.

Notary Public.

Central District, Ind. Ter.

(Seal).

My Comm. expires Feb. 17, 1903.

There appears on the back the following:

"Affidavit of John Taylor.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D

Mar. 12, 1901.

Tams Bixby,

Acting Chairman".

C O P Y
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter. Mar. 30th, 1899.

John Taylor, Esq.,

Hoyt, Ind. Ter.

Dear Sir:

In reply to yours of March 24th, our records shows that Jeremiah Ward was admitted to citizenship by this Commission ^{in 1896} as a Choctaw, but we fail to find the name of Sarah F. Ward as an applicant, and it is impossible for us to tell about the children without we have their names. If, however, the mother is on the Cherokee rolls of 1880, the children would be enrolled with her and could not be enrolled as Choctaws. If not too inconvenient I would suggest that she appear at one of our appointments in the Choctaw Nation, and state her case to us and we can then determine what is right to be done in the premises.

Very truly yours,

(Signed)

Tams Bixby,

Acting Chairman".

"The above is an exact verbatim copy of letter from you to John Taylor. In this letter you admit Jeremiah Ward is on the roll as a Choctaw citizen and I was not on the Cherokee roll of 1880. I was here living in this country with Mr. Ward, my husband, at this time. Now then I am held here in suspense over this matter and my children growing up without any of the benefits of an education, and I do certainly think a great injustice to deprive them of this much needed help during their

childhood. So please give me an early reply and oblige.

Respect.

Sarah F. Ward. "

There appears on back:

"Indexed. Commission to five Tribes. No. 14389.

1901. Received Oct. 2, 1901. Answered. Book. Page . Oct. 17,

1901. Sarah F. Ward, Hoyt, I. T. (No Date) Choctaw.

Enclo. Copy of letter to John Taylor and Jeremiah Ward.

File with Choctaw case # R 321.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES/

F I L E D

Oct. 17, 1901.

Tams Bixby,

Acting Chairman."

(Copy)

A F F I D A V I T.

This is to certify that I, Sarah F. Ward, do depose and affirm that Jeremiah Ward, ex County Judge of Skullyville County, Choctaw Nation, Ind. Ter. was a Choctaw Indian by blood; that he was recognized as such an indian by the other indians of the County & Community in which he lived, but from some cause best known to themselves the Gov. of the Choctaw Nation with the aid of the Council in the last few years disfranchised him, and from this cause he being set aside and disowned by his tribe partly lost his mind and the last Seven years was an invalid, therefore what was done to get him reinstated was the work indifferently and laboriously done by myself, Sarah F. Ward, his wife. And as it appears that his children, the issue of our marriage, Henry, Grover and Francis are not on the rolls is because of the demented condition of Jeremiah Ward, my husband. And I further affirm that his application for citizenship was by blood and not as an intermarried citizen as the application now shows and is so recorded in the Dawes Com. Office. The application was changed, not by the Dawes Com., but by designing parties, so that our home and property would fall into the hands of the very parties who drew up and forwarded the application to this Dawes Com.

Attest: Jno. R. Smoot.

Sarah F. ^{her} x Ward,
mark.

-----o-----

Endorsed on back as follows:

Northern District,

Ind. Ter.

On this 13th day of May, 1902, personally appeared before me a Notary Public of the above named District, Mrs. Sarah Ward, and acknowledged that she had executed the foregoing instrument as her free Voluntary act and deed .

Witness my hand and seal as such Notary public the day and year last above mentioned.

Wm. T. Henry,

((Seal))

Notary Public.

My Com. Exp. Apr. 12 - 1904.

A l s o:

DEPARTMENT OF THE INTERIOR,
RECEIVED,
MAY 17 1902
Enc. No. 1, of No. 3172
INDIAN TERRITORY DIVISION.

(COPY)

SKULLYVILLE COUNTY, CHOCTAW NATION.

KNOW ALL MEN BY THESE PRESENTS:

That, Whereas, Mrs. Sarah F. Ward, a citizen of the Choctaw Nation, has this day petitioned, according to the form of the Statutes in such case made and provided, asking that a permit be granted to J. A. Whittaker, a citizen of the United States, to remain in his employ in the capacity of a farmer for the year 1895 and it appearing from said petition that the party mentioned therein has no more stock than is allowed non-citizens in the Choctaw Nation, and whereas, said application has been duly granted by the Hon. County Judge of Skullyville County.

Now, therefore, I, the undersigned County Clerk of Skullyville County, by virtue of the authority in me vested by the laws of the Choctaw Nation, and in accordance with the above mentioned application do this day grant unto the within-mentioned J. A. Whittaker a Permit to remain in the Choctaw Nation and engage in the business of Farming in the capacity of the aforesaid Sarah F. Ward.

Provided, however, that nothing in the foregoing Permit shall be so construed as to prevent its being revoked by the proper authorities upon good and lawful cause duly shown.

Given under my hand and seal this 3 day of March, 1896.

((SEAL))

J. D. Ward,

County Clerk of Skullyville County,
Choctaw Nation.

Endorsed on back as follows:

No. 356

Year 1895.

Amount \$5.00

Permit of J. A. Whittaker.

Employed by Mrs. Sarah F. Ward,

Capacity Farmer.

Renewed for the year 189-- this the ____ day of ____, 18 9--

County Judge.

Attest:

County Clerk.

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A l s o:

DEPARTMENT OF THE INTERIOR, RECEIVED, MAY 17, 1902. Enc. No. 4 of No. 3174. INDIAN TERRITORY, DIVISION.

(COPY)

SKULLYVILLE COUNTY, CHOCTAW NATION.

KNOW ALL MEN BY THESE PRESENTS:

That, whereas Jeremiah Ward, a citizen of the Choctaw Nation, has this day petitioned, according to the form of the statutes in such case made and provided, asking that a permit be granted to Wash Crusier, a citizen of the United States, to remain in his employ in the capacity of a farmer for the year 1894 and it appearing from said petition that the party mentioned therein has no more stock than is allowed non-citizens in the Choctaw Nation, and , whereas said application has been duly granted by the Hon. County Judge | of Skullyville County,

Now, therefore, I, the undersigned County Clerk of Skullyville County, by virtue of the authority in me vested by the laws of the Choctaw nation, and in accordance with the above-mentioned application, do this day hereby grant unto the within mentioned Wash Crusier a permit to remain in the Choctaw nation and engage in the business of farming in the capacity of the aforesaid Jeremiah Ward, provided, however that nothing in the foregoing permit shall be so construed as to prevent its being revoked by the proper authorities upon good and lawful cause duly shown.

Given under my hand and seal this 2 day of May, 1894.

J. M. Ward,

((SEAL))

County Clerk of Skullyville County, Choctaw
Nation.

Endorsed on back as follows:

No. 49,

Year 1894

Amount \$5.00

Permit of Wash Cruser,

Employed by Jeremiah Ward,

Capacity Farmer.

Renewed for the year 189-- this the -----
day of _____ 189__

County Judge.

Attest:

County Clerk.

A l s o:

DEPARTMENT OF THE INTERIOR,
RECEIVED
MAY 17, 1902.
Enc. No. 3, of No. 3172
INDIAN TERRITORY DIVISION.

IN RE
THE DEATH OF

Grover C. Ward.
a citizen of the

Choctaw Nation.

Approved Dec. 20, 1902 190

Tams Bixby.
Commissioner.

Dept. of the Int.
Com'r. to Five Civil. Trbs.

Tams Bixby, Act. Chmn.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Grover C. Ward
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Bokoshe Ind. Ter., and died on the 21 day of
October, 1902.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, Sarah F. Ward, on oath state that I am 49
years of age and a citizen, by blood of the Choctaw Nation;
that my postoffice address is Bokoshe Ind. Ter.; that I am
Mother of Grover C. Ward.
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood of the Choctaw Nation
and that said Grover C. Ward died on the 21 day of
October, 1902.
(Here insert name of deceased.)

WITNESSES TO MARK:

Sarah F. Ward.

(Must Be Two Witnesses.) {

Subscribed and sworn to before me this 16 day of December 1902.

P.C. Bolger

Notary Public.

(SEAL)

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, _____, on oath state that I am _____
years of age, and a citizen by _____ of the _____ Nation;
that my postoffice address is _____ Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with _____
(Here insert name of deceased.)
who was a citizen, by _____ of the _____ Nation;
and that said _____ died on the _____ day of _____
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two Witnesses.) {

Subscribed and sworn to before me this _____ day of _____ 1902.

Notary Public.

Mrs Sarah F. Ward, being well and personally known to me, states upon oath after being sworn that John Taylor who wrote her husband's application for citizenship in the Choctaw Nation stated to her that he John Taylor after having her husband sign the application by mark & swore him to same, that he Taylor would take the application to his home at that time in Bokoshe some 3 miles distant and would mail the same to Dawes Com. that he afterwards stated to her repeatedly that he copied the application on going home and sent in the copy instead of the original. That he also stated since that Jeremiah Wards application of which he was the framer was for citizenship by blood and upon her visit to him since her last call before the "Com" on August 14th when she stated to him again that the application in the possession of the Commission was for citizenship by marriage he turned his head and made no reply. She also states that John Taylor the above had been to her house trying to purchase her claim and improvements which joins that of Taylor, moreover he Taylor had sent his widowed daughter to her home to negotiate for the place. In connection with this she states that one B.B. Woodward the notary who swore Taylor to the application says he Woodward read it the day it was signed by her husband and he states that it read for citizenship by blood.

S.F. Ward.

Sworn to before me this Aug. 19th. 02.

John R. Snelt.
Notary Public.

(SEAL)

Com. exp. July 21st 96.

Indorsed on back as follos.

Affidavit of Sarah F. Ward

Department of the Int.
Com'r. of Civil. Trbs.

FILED. Aug. 23 1902.

Tams Dixby, Ast. Ch.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Sarah T. Ward, Henry B. Ward, Grover C. Ward and Francis T. Ward, Choctaw Field No. R-321.

We hereby request, on behalf of the Choctaw and Chickasaw Nations that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle/ et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South Mc Alester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed upon authority granted by the Honorable Secretary of the Interior in his communication referred to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish

Attorneys for the Choctaw and Chickasaw Nations.

January 23/ 1904.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Choctaw R.-320.

John Ward et al, -----Applicants:

vs.

Choctaw Nation and
Chickasaw Nation,-----

Defendants:

Amended application for enrollment of petitioners as citizens of the Choctaw Nation or Tribe of Indians

Now comes, John Ward, his wife, Nancy E. Ward, and their children Henrietta, Joseph B. Chester A. William C., Elmer, and Johnnie Ward, and their niece, Ada Ward, and make this their amended petition to be enrolled as citizens of the Choctaw Nation and as cause therefor, state as follows, to-wit:-

I

That some time prior to the year, 1848, Samuel Ward, a white man, moved to and located in the Choctaw Nation of the Indian Territory, and that in the year 1848, to-wit, on September 29th, 1848, said Samuel Ward married a Choctaw Indian woman by the name of Minerva Thompson, in accordance with the laws and customs of the Choctaw Nation, then in force; that the said Samuel Ward and his Choctaw Indian wife lived together as husband and wife in the Choctaw Nation of the Indian Territory untill the death of said Choctaw wife, which death, occurred on the _____ day of _____, 18____ that by said marriage, one child, to-wit, Edward Ward, was born to them; that said Edward Ward is now dead and left surviving him three children, to-wit: Samuel, Algie and Nove Ward, who are all approved and enrolled as citizens and members of the Choctaw Tribe of Indians.

II

That in the year 1852, to-wit, on October the 14th, 1852, the said Samuel Ward's Choctaw Indian wife having died, he married a Cherokee Indian woman in the Choctaw Nation in accordance with the

laws and customs of the Choctaw Nation then in force; that at the date of said marriage, said Cherokee Indian woman was living in the Choctaw Nation; that said Samuel Ward and his Cherokee Indian wife ever after that lived in the Choctaw Nation untill their deaths; that as a result of the marriage of said Samuel Ward to the Cherokee Indian woman, there was born to them three children, towit, Joseph, John, and Sarah A. Ward; that said Joseph Ward is now dead, that Sarah A. Ward afterward married W. C. York, a white man, and is now living in the Choctaw Nation; that said John Ward is one of the applicants herein; that prior to the death of said Joseph Ward, he married a white woman in the Choctaw Nation and as a result of said marriage, one child was born to them and that said child's name is Ada Ward and one of the applicants herein; that John Ward, one of the applicants herein is a son of the said Samuel Ward by his Cherokee Indian wife.

III

That in the year, 1880, your petitioner, John Ward, was married to a white woman in the Choctaw Nation, and that his wife's name is Nancy E. Ward; that as a result of said marriage there were born to them, six children and their names and ages are as follows, to-wit: Henrietta Ward, aged 24, Joseph B. Ward, aged 20, Chester A. Ward, aged 18, William C. Ward, aged 16, Elmer Ward, aged 14, and Johnnie Ward, aged 10 years; that all of said children were born and raised in the Choctaw Nation and are now living; that Henrietta has now married and her present name is Henrietta Mockbee; that said Ada Ward is now married and her present name is Ada Winnings; that the said Nancy E. Ward, wife of the applicant, John Ward, is now deceased; that said Nancy E. Ward, died in the Choctaw Nation on the 5th day of September, 1903.

IV

Your petitioners further show that the said Samuel Ward was living and residing in the Choctaw Nation at the time and making and ratification of the treaty between the Choctaw and Chickasaw Nations and the Government of the United States, known as the treaty of 1866, and that by the terms and conditions of said treaty, the said Samuel Ward was declared to be a citizen and member of the Choctaw Tribe of Indians and entitled to citizenship in said nation; that said Samuel Ward, continued to live in the Choctaw Nation untill his death, whitch death occurred in the year, 18____.

V.

Your petitioners represent that by reason of the fact that the said Samuel Ward was a member of the Choctaw Tribe of Indians by virtue of his marriage to the Choctaw Indian woman as provided by the treaty of 1866 and in as much as your petitioner, John Ward is a son of said Samuel Ward, and the said Henrietta, Joseph B. Chester A. William C. Elmar, and Johnnie Ward are the children of your petitioner, and in as much as Nancy E. Ward is the deceased wife of your petitioner, and in as much as Ada Wynnings(Ward) is the daughter of Joseph Ward, deceased, who was a son of the said Samuel Ward, that each and all of the petitioners herein are entitled to be enrolled as members and citizens of the Choctaw Nation or Tribe of Indians.

VI

Your petitioners further show that ever after the marriage of Samuel Ward to the Choctaw Indian woman to the date of his death, he was recognized by the Choctaw Tribe of Indians and their tribal authorities, as a citizen and member of said tribe; that he always voted in all tribal elections, owned and held lands and improvements in the Choctaw Nation; that your petitioners have always been recognized

as citizens of the Choctaw Nation, by the tribal authorities thereof; that petitioner, John Ward, has always voted in all tribal election of said nation, held offices under the tribal government, and at various times, been appointed guardian of Indian Children by the tribal courts, held the office of trustee of the tribal schools, held and owned lands in the Choctaw Nation, as same as any other citizen thereof, and that the children of your petitioner, have always attended the tribal schools as citizens and members of said Choctaw Nation; that all of the petitioners have been born and raised in the Choctaw Nation of the Indian territory and have never lived out side of said territory and that they are all placed on the Choctaw Census Rolls of 1896 as members and citizens of said nation.

VII

Petitioners further show that in the year, 1896, they made application to the Commission to the Five Civilized Tribes to be placed on the approved rolls of citizens of the Choctaw Nation; that said application was denied by said commission, and that thereafter, in the year, 1901, they filed a motion before said commission to have said case reopened, which motion was granted by said commission and additional testimony taken on the part of the petitioners in support of their right to be enrolled as citizens of said nation, and that said said cause is now pending before the Commissioner to the Five Civilized Tribes, no decision in said cause having been rendered at this time.

VIII

Petitioners further show that the action of the Commission to the Five Civilized Tribes, in refusing to enroll them as citizens and members of the Choctaw Tribe of Indians, was arronious and unwarranted by the law and facts that the petitioners, were entitled to be

placed on said rolls by virtue of having a tribal status at that date, and that the Commission to the Five Civilized Tribes, had no authority, under the law, to refuse to enroll them as citizens of said nation, and that the only authority that said commission had, was the ministerial duty of placing said applicants on said rolls and no other wherefore the premises considered, the petitioners pray that a further hearing be given them in this cause so that they may be offered the opportunity of introducing further testimony in support of their petition, that a date be set for a further hearing in this cause, and that upon the final hearing thereof, they be enrolled as members of the Choctaw Tribe of Indians.

Petitioners state that they have mailed by registered mail, to Messers. Mansfield, McMurray & Cornish of South McAlester Indian Territory, attorneys of record for the Choctaw and Chickasaw Nations, a true copy of this amended petition and hereto attach an affidavit showing the mailing of said copy.

Winfield S. Fanner
Attorney for Petitioners.

John Ward, one of the aboved named petitioners, after having been first duly sworn according to law, state on oath that he has seen and read that foregoing amended petition and states that the facts set forth therein are true and correct, as he verily believes.

John Ward

Subscribed and sworn to before me this 18th day of January, 1906.

(SEAL)

William Bassett
Notary Public.

My Commission expires Nov. 11th, 1909.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

United States of America :
Indian Territory :
Central Judicial District :

A F F I D A V I T

Dwight Brown, having been by me first duly sworn according to law, deposes and say that he is a citizen of the United States, over the age of twenty one years and resides in the town of Atoka Indian Territory; that on the 19 day of January, 1906, he enclosed in an envelop addressed to Messers Mansfield, McMurray & Cornish at South McAlester Indian Territory, a true copy of the above and foregoing amended petition of John Ward et al; that he delivered the same to the Post Master at Atoka Indian Territory and caused the same to be registered to said Mansfield, McMurray and Cornish and obtained register receipt therefore, which is hereto attached.

Dwight Brown

Subscribed and sworn to before me on this 19th day of January, 1906.

O. J. West

(SEAL)

Notary Public.

(Registry Receipt Attached Hereto.)

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes..
Filed Jan. 22, 1906.
Tams Bixby, Commissioner?

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Melissa C. Taylor,)
Ada Odell Winans,)
Bertha Winans,)
Raymond Clemen Winans,)
Petitioner to be enrolled as)
Members of the Choctaw)
Tribe of Indians.)

P E T I T I O N.

Come now the petitioners herein and respectfully represent that they are entitled to be enrolled as members of the Choctaw Tribe of Indians for the following reasons, to-wit:

F I R S T:

The petitioners are now and have been during their natural lives, bona fide residents of the Choctaw Nation.

S E C O N D:

That all the petitioners above named are the lineal descendants of Sam Ward who was a member by marriage of the Choctaw Tribe of Indians and was so recognized and enrolled as such.

T H I R D:

Your petitioner, Melissa C. Taylor, nee York was on the 21st day of September, 1875, married to Joe Ward a son of Sam Ward, according to the laws of the Choctaw Nation.

F O U R T H:

Your petitioner, Ada Odell Winans, nee Ward, states that she is the own daughter of Melissa C. Taylor, nee York and Joe Ward and that on the _____ day of November, 1899, she was married to Walter C. Winans and that to her and said Walter C. Winans have been born two children, to-wit: Bertha Winans, four years old December 15th, 1905 and Raymond Clemen Winans, who will be two years old Jan. 28th, 1906.

F I F T H:

Your petitioners say that the said Sam Ward was married in the Choctaw Nation to a Choctaw Indian woman named Minerva Thompson in the year 1848 and that he had resided in the Choctaw Nation for a long period prior thereto and continued to reside insaid Nation until his death which occurred in 18____. Your petitioners further say that the said Sam Ward, after his marriage to the said Choctaw woman, to-wit, Minerva Thompson, continued to reside with her in the Choctaw Nation until her death and that by said marriage one child, towit, Edward Ward was born and that the said Edward Ward is now dead and left surviving him three children, Samuel, Agin and Nova Ward, that Nove Ward married a man named Hopkins and that the above named children of the said Edward Ward are duly recognized, approved and enrolled as Choctaw Indians by blood. Your petitioners further state that the said Minerva Ward, nee' Thompson, died and that afterwards on October 14th, 1852, in the Choctaw Nation, the said Sam Ward married a Cherokee woman named Eliza Hane Ramsey and that by said marriage there was born, Sarah A. and John Ward, both of whom are living, and two others, towit: Joseph and Benny, who are dead and have been for several years.

Your petitioner, Melissa C. Taylor, Nee' York, represents that she has lived in the Choctaw Nation during her natural life and that she lived with her first husband, Joe Ward, twelve or fifteen years following the date of her marriage and that at all times she and her said husband were recognized as citizens of the Choctaw Nation and that her said husband, Joe Ward, voted at the Choctaw elections and was permitted to hold lands as other members of said Nation and that the authorities of the Choctaw Nation issued permits to him for his noncitizen renters. Your petitioner further

represents that since the death of her said husband, Joe Ward and during the marital relation with her present husband, Ed-____ Taylor, she has at all times been recognized as a member of the said Choctaw Tribe of Indians and has been permitted to send her children to school, to hold lands as a member of the tribe and that the authorities of the said Nation have always recognized her as a member of the tribe and issued permits to her for her noncitizen renters up to the _____ day of _____, 1902 .

S I X T H :

Your petitioners further represent and show that on the _____ day of _____, 1896, your petitioner Melissa C. Taylor prepared and filed a petition to the Commission to the Five Civilized Tribes for herself and her daughter, Ada Odell under the provisions of the Act of June 10th, 1896; that said petition was denied by the Commission and no appeal was taken from said Commission to the United States Court.

Your petitioner further represents and shows that her name and that of her daughter, Ada Odell, were placed upon the Choctaw Census rolls of the Choctaw Nation, either on the roll of 1896 or the revised roll of 1897. Your petitioners further represent that said case was not transferred to the Citizenship Court; that no notice was given of any proceedings of hearing and that in fact, no proceedings were had in your petitioners case by said Court.

S E V E N T H :

Your petitioners further state that the said Sam Ward was living in the Choctaw Nation at the making and ratification of the treaty between the Choctaw and Chickasaw Nations and the United States, known as the treaty of 1866 and that by virtue of the terms and conditions of the treaty he was declared to be entitled to citizenship

in the Choctaw Tribe of Indians, and your petitioners say that the said Sam Ward continued to reside in said Choctaw Nation until his death which occurred on the _____ day of _____, 1_____.

E I G H T H :

Your petitioners further represent and show to this Honorable Commission that they are informed and believe that by reason of the fact that the said Sam Ward was a member of the Choctaw Tribe of Indians by virtue of his marriage to a Choctaw woman as provided by the treaty and inasmuch as the said Joseph Ward, a former husband of your petitioner, Melissa C. Taylor, Nee' York is an own son of the said Sam Ward and the said Ada Odell is an own daughter of the said Joe Ward and that the said Bertha and Raymond Clemens are the own children of Ada Odell Winans, Nee' Ward. Your petitioners further represent and show that they have mailed by registered mail to Mansfield, McMurray & Cornish, attorneys of record for the Choctaw and Chickasaw Nations, a true copy of this petition and attach hereto an affidavit showing the mailing of said copy together with the registry receipt, from the postmaster at this place.

WHEREFORE, your petitioners pray that a hearing be granted them and that they be enrolled as members of the Choctaw Tribe of Indians and they will ever pray as in duty bound.

Ralls Brothers
Attorney for Petitioners.

UNITED STATES OF AMERICA)
CENTRAL JUDICIAL DISTRICT)
INDIAN TERRITORY)

Melissa C. Taylor, having been by me first duly sworn, according to law, states on her oath that she is one of the above

named petitioners and that the above and foregoing facts are true and correct.

Melissa C. Taylor

Subscribed and sworn to before me this the 25 day of Jan. 1908.

E. H. Moorman

(SEAL)

Notary Public.

My Commission expires the 5th day of July, 1909.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF MELISSA C. TAYLOR)
PETITIONERS TO BE ENROLLED AS MEMBERS)
OF THE CHOCTAW TRIBE OF INDIANS)

A F F I D A V I T.

Geo. T. Ralls, having been by me first duly sworn, according to law, states on his oath that he is over twenty-one years of age and a resident of Atoka, Choctaw Nation, Indian Territory and that on the _____ day of January, A. D. 1906, he enclosed in an envelope addressed to Mansfield, McMurray & Cornish, a true copy of the above and foregoing petition. That he delivered the same to the Postmaster at Atoka, Indian Territory and caused the same to be registered to the said Mansfield, McMurray & Cornish and obtained therefore a registry receipt which is hereto attached.

Geo. T. Ralls

Subscribed and sworn to before me this the 25th day of January,
A. D. 1906.

(SEAL)

N. H. Moorman
Notary Public.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan 26, 1906.
Tams Bixby, Commissioner.

Melissa C. Taylor
Ada Odell Winans,
Bertha Winans
Raymond Clemen Winans,
Petitioners to be enrolled as members
of the Choctaw Tribe of Indians.

P E T I T I O N.

Ralls Bros.,
Atoka, Indian Territory
Attorney for Petitioners.

7-R-320
7-R-321
23-943
W-34
W-70

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John Ward, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the census card records in this case that in August, 1899, John Ward (42 years of age) appeared before the Commission to the Five Civilized Tribes and made application for enrollment of himself and his six minor children, Henrietta (16 years of age), Joseph B. (15 years of age), Chester A. (11 years of age), William Edward (8 years of age), Elmer Owen (6 years of age) and Johnnie M. Ward (4 years of age), as citizens of the Choctaw Nation and for the enrollment of his wife Nancy E. Ward (40 years of age) as a citizen by intermarriage of the Choctaw Nation. On October 9, 1899, application was made to said Commission by Sarah F. Ward (46 years of age), for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation and for the enrollment of her three minor children, Henry B. (17 years of age), Grover C. (14 years of age) and Francis F. Ward (13 years of age), as citizens of said Nation. On June 3, 1901, application was made for the enrollment of Addie Ward (now Winans) as a citizen of the Choctaw Nation and on May 6, 1903, application was made for the enrollment of Bertha D. Winans as a citizen of said nation. June 30, 1906, written application was made for the enrollment of Raymond Winans as a citizen of the Choctaw Nation.

It further appears from the records in the possession of this office that on September 7, 1896, in the case entitled "John Ward and Sarah York vs. Cherokee Nation" (1896 Cherokee Citizenship Case, No. 4529), original application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Cherokee Nation of the applicants, John Ward, Nancy E. Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward and Johnnie M. Ward, and that subsequent thereto said Commission rendered its decision therein denying said application, from which decision no appeal was taken.

It further appears that on September 7, 1896, in the case entitled "Eljerry Fleetwood, et al., vs. Cherokee Nation" (1896 Cherokee Citizenship Case, No. 5572), original application was made to the Commission to the Five Civilized Tribes for the admission to citizenship in the Cherokee Nation of the applicants, Sarah F. Ward, Henry B. Ward, Grover C. Ward and Francis F. Ward, and that subsequent thereto said Commission rendered its decision therein denying said applicants as citizens of said nation. Thereafter an appeal

was taken to the United States Court for the Northern District of the Indian Territory, wherein said applicants were admitted as citizens of the Cherokee Nation.

The records in the possession of this office further show that on September 9, 1896, in the case entitled "Jeremiah Ward vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 32), original application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission of Jeremiah Ward as a citizen by intermarriage of the Choctaw Nation; for the admission of his wife, Sarah F. Ward, as a citizen by intermarriage of the Choctaw Nation, and for the admission of his three minor children, Henry B. Ward, Grover C. Ward, and Francis F. Ward, as citizens of said nation. Jeremiah Ward claimed his right to admission as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to a Choctaw Indian woman, and Sarah F. Ward, claimed her right to admission as a citizen of the Choctaw Nation by virtue of her marriage to said Jeremiah Ward. Subsequent thereto said Commission admitted said Jeremiah Ward as a citizen by intermarriage of the Choctaw Nation but no action was ever taken as to the application for the admission of the other applicants therein. From this decision no appeal was taken.

The records of this office further show that on August 6, 1900, Sarah F. Ward, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation; that on July 29, 1902, said application was denied by said Commission and on August 29, 1902, the same was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 22, 1906, a petition praying for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William C. Ward, Elmer Ward, Johnnie M. Ward and Ada Ward, as citizens of the Choctaw Nation. January 26, 1906, a petition was filed praying for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation and for the enrollment of Ada Odell Winans, Bertha Winans, and Raymond Clemen Winans, as citizens of the Choctaw Nation. All of the above petitioners, with the exception of Melissa C. Taylor, are identical with the applicants for whom application has heretofore been made as citizens of the Choctaw Nation.

It does not appear from the records in the possession of this office that any application has ever been made for the enrollment of Melissa C. Taylor as a citizen of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137). It appears, however, that on September 7, 1896, in the case entitled "Mrs. Melissa Ward vs. Cherokee Nation" (1896 Cherokee Citizenship Docket, Case No. 4252), original application was made to the Commission to the Five Civilized Tribes for the admission of the petitioner, Melissa C. Taylor, (formerly Ward), as a citizen by intermarriage of said nation, claiming her right thereto by virtue of her marriage to Joe Ward, an alleged citizen by blood of the Cherokee Nation and that subsequent thereto said application was denied by said Commission, from which decision no appeal was taken.

The applicant, John Ward, is the son of Sam Ward, now deceased, an alleged citizen by intermarriage of the Choctaw Nation and Eliza J. Ward, now deceased, an alleged Cherokee by blood, and the applicants, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward and Johnnie M. Ward, are the children of said John Ward, and the applicant, Nancy E. Ward, who claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to the said John Ward.

The applicant, Addie Ward, now Winans, is the daughter of the petitioner, Melissa C. Taylor, and Joe Ward (now deceased), a full brother of the applicant, John Ward. The petitioner, Melissa C. Taylor claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to Joe Ward, above mentioned.

The applicants, Bertha D. Winans (born December 14, 1901) and Raymond Winans (born January 26, 1904), are the children of the applicant, Addie Ward, now Winans, and Walter Winans, a non-citizen.

The records of this office and the record herein show that the applicant, Sarah F. Ward, is the daughter of Charles Fleetwood (now deceased), a non-citizen, and Lucinda Fleetwood (now deceased), an alleged Cherokee by blood, and claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to Jeremiah Ward (now deceased), who is alleged to have been a citizen by intermarriage of the Choctaw Nation, and possessed of Choctaw blood, and the applicants, Henry B. Ward, Grover C. Ward and Francis F. Ward, claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of said Sarah F. Ward and Jeremiah Ward.

The evidence in this case clearly shows that the applicants John Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Ward (now Winans), Bertha D. Winans and Raymond Winans, are not possessed of Choctaw blood. It appears, however, that John Ward, Nancy E. Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward and Addie Ward (now Winans), are identified upon the 1896 Choctaw Census roll as residents of Atoka County, opposite numbers 14042, 14043, 14044, 14045, 14046, 14047, 14048, 14049 and 14050, respectively. The applicants, John Ward, Nancy E. Ward, Henrietta Ward, Joseph B. Ward and Addie Ward (now Winans), are also identified upon the 1885 Choctaw Census roll opposite numbers 709, 710, 711, 712 and 834, respectively.

The applicants, Sarah F. Ward, and her children, Henry B. Ward, Grover C. Ward and Francis F. Ward, are not identified upon any of the tribal rolls of the Choctaw or Cherokee Nations in the possession of this office. Neither is Jeremiah Ward, husband of said Sarah F. Ward, identified upon any of the tribal rolls of said nations in the possession of this office.

It does not appear that any of the applicants herein or the petitioner, Melissa C. Taylor, have ever been recognized or enrolled as citizens of the Cherokee Nation nor have any of said persons been admitted to citizenship in either the Choctaw or Cherokee Nation as citizens of said nations by any legally constituted authority thereof.

I am of the opinion that inasmuch as the applicants, John Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward and Addie Ward (now Winans), are not possessed of Choctaw blood, their enrollment upon the 1885 and the 1896 Choctaw Census rolls is without authority of law, and their names should be stricken therefrom, under the provisions of the Act of Congress approved June 26, 1898 (30 Stats., 425), and it is so ordered.

I am further of the opinion that the application for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans (formerly Ward), Bertha D. Winans, Henry B. Ward, Grover C. Ward and Francis F. Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, and the petition herein insofar as it applies to said applicants, should be denied, under the provisions of the Act of Congress approved June 26, 1898 (30 Stats., 425), and it is so ordered.

I am further of the opinion that the application for the enrollment of Nancy Edward Ward and Sarah F. Ward, as citizens by intermarriage of the Choctaw Nation and the petition herein insofar as it applies to the latter, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Raymond Winans as a citizen of the Choctaw and Cherokee Nation, and the petition herein insofar as it applies to said applicants, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that inasmuch as it does not appear from the records in the possession of this office that any application has ever been made for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to receive or consider any application for her enrollment as such, and her petition, should be dismissed, and it is so ordered.

Muskogee, Indian Territory,
JAN 23 1907



Commissioner.

9-2-120
9-2-121
23-242
W-24
W-25

COPY

McKehee, Indian Territory, January 23, 1907.

John Ward,

Ateka, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of yourself and Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans (formerly Ward) Bertha D. Winans as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, and the application and petition for the enrollment of Nancy Edward Ward as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tame Dixby

Commissioner.

Registered.

W-70

7-B-321
7-R320
23-943
W-34
W-70

COPY
Muskogee, Indian Territory, January 23, 1907.

Melissa C. Taylor,
Atoka, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, dismissing the application and petition for the enrollment of yourself as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

CNE

Tamm Dixby

Commissioner.

Registered.

Incl. 7 W-70 .

7-B-320
7-B-321
22-243
W-14
V-70

COPY
Muskegee, Indian Territory, January 23, 1907.

Addie Ward Winans.

Olney, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of yourself, Bertha D. Winans and Raymond Winans as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tame Bixby

Commissioner.

Registered. W-70

1113

23-945

F-34

W-70

COPY

Muskogee, Indian Territory, January 23, 1907.

Sarah F. Ward,

Muskogee, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for your enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Henry B. Ward, Grever G. Ward and Francis F. Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.

W-70/

70-B-120
7-B-521
23-943
W-34
W-70

COPY

Muskogee, Indian Territory, January 23, 1907.

W. S. Farmer,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B. Ward, Francis Ward and Grover C. Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F. Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamie Bixby*
Commissioner.

Registered E-70

★ R-320
7-R-321
23-943
W-34
W-70

COPY

Muskogee, Indian Territory, January 23, 1907.

Wallace Wilkinson,
Attorney at Law.

South McAlester, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B. Ward, Francis Ward and Grover C Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*
Commissioner.

Registered. W-70

7-1-320

23-943

W-34

W-70

COPY

Muskogee, Indian Territory, January 23, 1907.

Balls Bros.

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward, Addie Winans, nee Ward, Bertha D Winans, Raymond Winans, Henry B Ward, Francis Ward and Grover C Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James B. Bick*

Commissioner.

Registered W-70

7-A-320

7-A-321

23-943

W-34

W-70

COPY

Muskogee, Indian Territory, January 23, 1907.

Cherokee Enrollment Division,

General Office,

Muskogee, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward, Addie Winans, nee Ward, Bertha D Winans, Raymond Winans, Henry B Ward, Francis Ward and Grover C Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully.

SIGNED

Tame Bibby

Registered. W-70

Commissioner.

7-1-380
4-1-381
23-943
W-34
W-70

COPY

Muskogee, Indian Territory, January 23, 1907.

Manfield, McTurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B Ward, Francis Ward and Grover C Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Larnie Bixby*

Commissioner.

COPY

Muskogee, Indian Territory, January 23, 1907.

The Honorable,

The Secretary of the Interior;

Sir:

There is transmitted herewith record of proceedings in the matter of the application and petition for the enrollment of John Ward, et al as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward, Addie Winans, nee Ward, Bertha D Winans, Raymond Winans, Henry B Ward, Francis Ward and Grever C Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F Ward as citizens by intermarriage of the Choctaw Nation and dismissing the application and petition for the enrollment of Melissa C Taylor as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED *Tamm Bixby*

Commissioner.

2 Incl. W-70

Through the
Commissioner of Indian Affairs.

D. C. 12533-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

March 4, 1907.

JP.
FMR.

LES.

I. T. D.

6124, 6146, 6152, 6166, 6170-07.
6192, 6992, 7002, 7266, 7270- "
7294, 7326, 7342, 7366, 7374- "
7376, 7380, 7392, 7404, 7410- "
7414, 7418, 7442, 7472, 7478- "
7486, 7490, 7526, 7548, 7550- "
7552, 7554, 7556, 7558, 7564- "
7552, 7584, 7666, 7678, 7680- "
7684, 7686, 7696, 7698, 7700- "
7716, 7724, 7726, 7724- "

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases
adverse to the applicants are hereby affirmed, viz:

Title of Case.	Date of your letter of transmittal.
Alex and Lee G. Lewis (Freedmen)	February 14, 1907.
Gera Bailey (Freedman)	February 13, 1907.
Virginia and Dave Calbert (Freedmen)	February 12, 1907.
Stella Marlow	February 15, 1907.
Joanna Pellock, et al.	December 24, 1906.
Elycia and Sydney Frazier (Freedmen)	February 14, 1907.
Annie and Benier Carter (Freedmen)	February 14, 1907.
Margie Hall (Freedman)	February 16, 1907.
Lavera Perry (Freedman)	February 7, 1907.
Willie and Bonnie Roberts	February 6, 1907.
Clarence Vails	February 7, 1907.
Beatrice and Naudie Jeffres (Freedmen)	February 11, 1907.
L. P. Rhoades, et al.	February 14, 1907.
Artemus Pitchipen (Freedman)	February 11, 1907.
Henry and Minnie Reed (Freedmen)	February 11, 1907.
Vivian V. and Clyde Parks	February 11, 1907.
Harvin Clifford Haskley	February 7, 1907.
Klanche H. Stark, et al.,	February 20, 1907.

Title of Case.	Date of your letter of transmittal.
James H. Law, (Intermarried)	February 6, 1907.
Bell Berna (Miss. Ches.)	February 7, 1907.
David and Mariadell Powell (Freedmen)	February 7, 1907.
Samuel Blunt (Freedman)	February 7, 1907.
Clara and Annie Berry (Freedmen)	February 21, 1907.
Robert Thompson (Freedman)	February 21, 1907.
Washington and Hester Anthony (Freedmen)	February 21, 1907.
Ann and Emmett Wilson (Freedmen)	February 21, 1907.
Dee Wilson (Freedman)	February 20, 1907.
Blanche Johnson (Freedman)	February 16, 1907.
Leyona May Everett (Miss. Ches.)	February 23, 1907.
Viola Warrior (Freedman)	February 21, 1907.
Ella Wilson, et al., (Freedman)	February 21, 1907.
Edward Adamsen (Freedman)	February 21, 1907.
Allie Kay and Anna Williams (Freedmen)	February 21, 1907.
John Ward, et al.,	January 23, 1907.
Frank P. Morgan (Intermarried)	January 24, 1907.
Marion James Robins (Freedman)	February 21, 1907.
William C. York, et al.,	January 16, 1907.
William H. Watters, et al.,	February 23, 1907.
Charley Briggs (Freedman)	February 21, 1907.
Hattie Marie Stewart, et al.,	February 23, 1907.
Robert McCoy (Freedman)	February 18, 1907.
George Chatman (Freedman)	February 21, 1907.
Louisa Perry, (Freedman)	February 19, 1907.
John Albert Pantaky	February 26, 1907.
Nancy F. and Thuresey McLarty	February 26, 1907.
Ruthes Cheskey,	February 26, 1907.
Albert and Erner Pigges (Freedmen)	February 26, 1907.
Beling McKinney, et al., (Freedman)	February 26, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

48 inc. and
98 for Ind. Of. with
copy hereof.

APR.
1907.

Refer in reply to the following.

948
282

COPY.
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
8468-1907.
D. C. 12853

WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of the proceedings in the matter of the application and petition for the enrollment of John Ward, et al., as citizens of the Choctaw Nation, including the decision of Commissioner Bixby dated January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B. Ward, Francis Ward and Grover C. Ward, as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F. Ward as citizens by intermarriage of the Choctaw Nation and dismissing the application and petition for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision of Commissioner Bixby has been examined and found to be correct, and its approval is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

EBM-W

7-R-320

Muskogee, Indian Territory, April 13, 1907.

John Ward,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of yourself and Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans (formerly Ward) and Bertha D. Winans as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, and the application and petition for the enrollment of Nancy Edward Ward as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

Y-B-320

Muskogee, Indian Territory, April 13, 1907.

Melissa C. Taylor,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, dismissing the application and petition for the enrollment of yourself as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-520

Muskegee, Indian Territory, April 13, 1907.

Addie Warf Winans,

Olney, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of yourself, Bertha D. Winans and Raymond Winans as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner.

7-R-320

Muskogee, Indian Territory, April 13, 1907.

Sarah F. Ward,

Bokoshe, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for your enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Henry B. Ward, Grover C. Ward and Francis F. Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner.

7-B-320

Muskogee, Indian Territory, April 13, 1907.

W. S. Farmer,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B. Ward, Francis Ward and Grever C. Ward, as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F. Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa G. Taylor Taylor as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

7-R-320

Muskogee, Indian Territory, April 13, 1907.

Wallace Wilkinson,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, H. Henry B. Ward, Francis Ward and Grover C. Ward, as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F. Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Muskogee, Indian Territory, April 13, 1907.

Ralls Bros.

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilised Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B. Ward, Francis Ward and Grover C. Ward, as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F. Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 13, 1907.

Cherokee Enrollment Division,

General Office,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B. Ward, Francis Ward and Grover C. Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F. Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 13, 1907.

Mansfield, McMurray & Cornish,

Attorney for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Commissioner.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B. Ward, Francis Ward and Grover C. Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F. Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

COMMISSIONERS.
HENRY L. DAVIS,
PRESIDENT,
ARCHIBALD S. MCKENNON,
THOMAS B. NEWMAN.

ALLISON L. ATLEWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 28, 1900.

Honorable A. Telle,

Secretary Choctaw Citizenship Commission,

Atoka, Indian Territory,

Dear Sir:

The Commission desires to be informed as to when and how the names of John Ward and his family were placed upon the 1896 census roll of the Choctaw Nation. They appear upon the roll in the possession of the Commission on page 368, Atoka County, as follows:

14042	Ward, John
14043	" Nancy R.
14044	" Henrietta
14045	" Joseph B.
14046	" Chester A.
14047	" Wm. E.
14048	" Elmer G.
14049	" John M.
14050	" Addie

The enrollment of these parties was refused when the Commission heard the application of John Ward at Atoka in August 1899, and it was marked opposite the names on the 1896 census roll, "Enrollment refused. Said to be Cherokee." The Commission desires to be informed whether these names were placed on the 1896 census roll by authority of law, or were they placed there after the expiration of the date in which the Choctaw authorities could determine the rights of parties claiming citizenship in the Choctaw Nation. Please give this matter your especial and immediate attention.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
C. R. BRACKINRIDGE,
THOMAS B. NEEDLES.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 9, 1900.

The Honorable,

the Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of June 19th, transmitting communication from Honorable Charles Curtis, dated June 18th, 1900, together with a letter from W. S. Fanner, relative to the application of one John Ward to be enrolled as a citizen of the Choctaw Nation. The said communication of Honorable Charles Curtis, and the indlosed letter, being referred to this Commission for consideration, report and recommendation in duplicate.

The Commission has the honor to report that the following facts exist in the case of John Ward et al., as referred to in the Department's letter of June 19th:

In 1896, acting under the law of June 10th, 1896, this Commission received and filed on September 7th, an original application for citizenship in the Cherokee Nation of John Ward, et al. (~~vs. the Cherokee Nation~~) the parties to that application being John Ward, Nancy E. Ward, his wife, and Henrietta, Joseph B., Chester A., William C., Alma O. and John M. Ward^{his children}; that this case appears upon the records of citizenship cases of 1896, Docket B page 265, Cherokee Case Number 4529; that the Cherokee Nation on October 21st, 1896, filed its demurrer in this case, and that the Commission after care-

fully considering the evidence of applicants and of the Cherokee Nation, denied the application of John Ward et al. for citizenship in the Cherokee Nation. There was no appeal taken from the decision of this Commission within the time required by the act of Congress of June 10th, 1896, and therefore the decision of this Commission as to the application of John Ward et al. for citizenship in the Cherokee Nation became final.

In 1899, when the Commission was in the Choctaw Nation for the purpose of hearing applications for enrollment in that Nation, at the time of its appointment at Atoka, Mr. Ward appeared before the Commission as an applicant for the enrollment of himself and family as citizens of the Choctaw Nation ~~and~~, and at that time gave the following oral testimony in ^{support} ~~behalf~~ of his application:

"In the enrollment of John Ward and family as Choctaws; being sworn and examined by Com'r McKennon he testifies as follows:

- Q What is your name? A John Ward.
- Q How old are you? A Forty-two.
- Q You are a Cherokee Indian are you? A Yes sir.
- Q Your mother was a Cherokee? A Yes sir.
- Q And your father was a white man? A Yes sir.
- Q Your wife is a white woman? A Yes sir.
- Q And your children are children by this white woman? A Yes sir.
- Q None of you have any Choctaw blood in you have you? A No sir.
- Q You have been living in the Choctaw Nation how long? A All my life.
- Q Have you been drawing annuities? A No sir.
- Q Have you ever drawn any monies in the Choctaw Nation? A No sir.
- Q You have been on the rolls though? A Yes sir.
- Q You are on the roll of 1896, were you ever on any other roll?
- A I don't think I was.
- Q You and your family were placed on the roll in 1896 for the first time? A I believe it was, I won't be sure just when it was.
- Q Com'r Needles: Were you ever enrolled in the Cherokee Nation?
- A No sir.

Q Com'r McKennon: Were you ever on the rolls up there at all?
 A No sir. I am on the Old Settler roll.

Com'r McKennon: As you are not a Choctaw by blood, and no members of your family are, and you were never enrolled until 1896 and you were not admitted by the Choctaw Council, your enrollment in 1896 was without authority of law, and the enrollment of yourself and family will therefore be refused.

Q What is your wife's name? A Nancy E. She is about forty years old.
 Q What is your oldest child's name? A Henrietta Ward, 16 years old; Joseph B. Ward, 15 years old; Chester A. Ward, 11 years old; William C. Ward, 8 years old; Elmer Ward, 6 years old, Johnnie Ward, 4 years old."

On the 1896 census roll of the citizens of the Choctaw Nation, prepared by that Nation, on page 368, the names of John Ward and family appear as follows:

"14042	Ward, John	
14043	" Nancy E.	The following notation,
14044	" Henrietta	appears after these names
14045	" Joseph B.	"Enrollment refused; said
14046	" Chester A.	to be Cherokee."
14047	" Wm. E.	
14048	" Elmer O.	
14049	" Jno. M.	
14050	" Addie."	

The Commission on behalf of the Choctaw Nation, at the time of the application of Mr. Ward for the enrollment of himself and family as Choctaw citizens, protested against their enrollment on the ground that their names were on the 1896 census roll of the Choctaw Nation without authority of law, having been placed there after the expiration of the time wherein said Commission was empowered to hear and act upon applications for citizenship in the Choctaw Nation.

This Commission has, therefore, the honor to report that after considering all the evidence in this case, and an application of the laws ~~upon a careful consideration of all the laws under which it must act,~~ ~~under which it is~~ ~~of the opinion that the Commission is~~ ~~that it is~~ without jurisdiction to enroll or in any way further con-

citizenship in the Cherokee Nation
sider Mr. Ward's case. He was denied, by the Commission in 1896, and did not perfect an appeal within the time required by law, and therefore the action of the Commission in denying the application of himself and family for citizenship in the Cherokee Nation, became final, and the Commission would therefore be without ~~any~~ authority to further consider his rights or the rights of his family for citizenship in that Nation. From his testimony given at the time that he applied for the enrollment of himself and family as citizens of the Choctaw Nation, it does not appear that he claimed to be a Choctaw, and it appearing that his name and the names of his family were on the 1896 census roll of the Choctaw Nation without authority of law, this Commission was compelled to refuse the enrollment of John Ward and his family as citizens of the Choctaw Nation.

It is, therefore, the opinion of this Commission, that it is without jurisdiction to further consider Mr. Ward's case either for enrollment as citizens of the Choctaw or of the Cherokee Nation of himself and family, ~~and that his only relief is through the Honorable Secretary of the Interior when the final rolls of the citizens of the Choctaw Nation are sent to the Interior for approval, as there is up to this time no record of his ever having made application for the enrollment of himself and family as citizens of the Cherokee Nation.~~

Very respectfully,

Acting Chairman.

Muskogee, Indian Territory, April 12, 1901.

Messrs. Mansfield, McHurray & Gornish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:-

Mr. W. E. Farmer, the attorney of John Ward et al, has filed with the Commission an application for a rehearing of his application to be enrolled as a citizen of the Choctaw Nation and the same has been granted.

You are informed that such hearing will be held at the office of the Commission in Muskogee, Indian Territory, on Monday, June 3, 1901, at 10 o'clock A.M. of said day.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, April 12, 1901.

Mr. V. S. Farmer,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 5th inst., enclosing the application of Mr. John Ward et al for a re-hearing of his application to be enrolled as a citizen of the Nation which was made at Atoka, Indian Territory, September, 1899.

The application for a re-hearing will be granted and the time and place set for such rehearing will be at the office of the Commissioner in Muskogee, Indian Territory, Monday, June 3, 1901, at 10 o'clock A.M. of said day.

Yours truly,

Acting Chairman.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 12, 1901.


Mr. W. S. Farmer,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 5th inst., enclosing the application of Mr. John Ward et al for a re-hearing of his application to be enrolled as a citizen of the ~~Choctaw~~ Nation which was made at Atoka, Indian Territory, September, 1899.

The application for a re-hearing will be granted and the time and place set for such rehearing will be at the office of the Commission in Muskogee, Indian Territory, Monday, June 3, 1901, at 10 o'clock A.M. of said day.

Yours truly,



Acting Chairman.

7-R-320

Muskogee, Indian Territory, April 19, 1901.

Messrs. Mansfield, McBarry & Cornish,
Attorneys for the Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 17th inst., inquiring relative to the case of John Ward et al, applicants for Choctaw citizenship, a rehearing upon which application will be held at Muskogee, Indian Territory, on Monday, June 3, 1901, at 10 o'clock A.M., and you desire to be advised as to its character, as you do not find a record of this case in your files.

You are informed that these parties are on Choctaw Hall Camp Field No. A. 280. The records of the Commission show that, acting under the law of June 10, 1898, this Commission received and filed, on September 7, 1898, an original application for citizenship in the Cherokee Nation on John Ward et al; that the Cherokee Nation on October 31, 1898, filed its demurrer in this case and that the Commission, after carefully considering the evidence of the applicants and of the Cherokee Nation, denied the application of John Ward et al for citizenship in the Cherokee Nation. There was no appeal taken from this decision.

In 1898, at Atoka, Indian Territory, Mr. Ward appeared before the Commission as an applicant for the enrollment of himself and family as citizens of the Cherokee Nation and it appears that the

Hensfield, McMurray & Cornish-----

Chester authorities protested against their enrollment in the grounds that their names were placed on the 1896 Census Roll of the Chester Nation without authority of law. The decision of the Commission, refusing the application of John Ward et al for enrollment, as citizens of the Chester Nation, has been written but not yet signed.

Under date of April 5, 1901, W. S. Farmer, attorney for John Ward et al, filed with the Commission an application for a rehearing, which was granted, and the time and place set was Monday June 3, 1901, at 10 o'clock A.M., at the office of the Commission in Muskogee, Indian Territory, and it was deemed advisable that the attorneys for the Chester and Chickasaw Nations should be notified, which was accordingly done in the letter of the Commission dated April 18, 1901.

Yours truly,

Acting Chairman.

Y-R-380

Muskogee, Indian Territory, June 8, 1901.

The Commission to the Five Civilized Tribes,
Cherokee, Indian Territory.

Gentlemen:

I enclose you herewith four copies of the testimony heard at this office June 3, 1901, in the matter of the application of John Ward for the enrollment of himself, his wife and his six minor children as citizens of the Cherokee Nation.

Mr. Ward first appeared before the Commission at Atoka, Indian Territory, in the summer of 1899 and his application for the enrollment of himself and family was refused on the theory that the enrollment upon the 1896 census roll of the Cherokee Nation in the possession of the Commission was without authority of law.

Mr. Ward now renews this application and it develops from the testimony that he claims his right to enrollment as a citizen of the Cherokee Nation by reason of the fact that his father, a white man, prior to the marriage to his mother, was married to a Cherokee Indian by blood. This applicant's mother was a Cherokee citizen.

It will also be noted that under the act of Congress of June 10, 1896, Mr. Ward applied for citizenship of himself and family in the Cherokee Nation which application was denied.

It does not appear from his testimony at this time that he has ever made application to this Commission for the enrollment of himself and family as citizens of the Cherokee Nation.

Commission 2.....

This testimony is forwarded for your information in the event Mr. Ward should make application for the enrollment of himself and family as Cherokee citizens.

Yours truly,

Acting Chairman.

Enc p

7-R-320

Chectaw R 320

Wuskogee, Indian Territory, June 15, 1902.

W. S. Farmer,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, enclosing brief and written argument in support of the application of John Ward et al., for enrollment as citizens of the Choctaw Nation.

The same has this day been duly filed with the other records of this case and will receive the consideration of the Commission in the disposition of the application of these persons to be enrolled as citizens of the Choctaw Nation.

Yours truly,

Acting Chairman.

Choctaw A-320

Muskogee, Indian Territory, January 31, 1903.

John Ward,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray and Cornish, has protested against the enrollment of yourself, your wife, Nancy E. Ward, and your children, Henrietta, Joseph B., Chester A., William C., Elmer and Johnnie Ward, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office at Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

Acting Chairman.

Register.

Muskogee, Indian Territory, January 31, 1903.

W. S. Farmer,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McHurray & Cornish, has protested against the enrollment of John Ward, his wife, Nancy E. Ward, and his children, Henrietta, Joseph B., Chester A., William C., Elmer and Johnnie Ward, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office at Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given the applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, July 7, 1903.

W. C. Farmer,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Referring to your letter of December 12, 1902 enclosing application for enrollment of Barton D. Winans, a citizen of the Choctaw Nation, also the marriage license and certificate of Walter C. Winans and Ann Ward, and the same have been duly filed with the records of the Commission in the matter of the application for enrollment of John Ward and his minor children as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-11-320

Maskogee, Indian Territory, January 10, 1907.

Winfield S. Farmer,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 28, 1906, asking the present status of the citizenship case of John Ward et al.

In reply to your letter you are advised that no decision has yet been reached in this case, but you will be notified of the action taken therein.

Respectfully,

Commissioner.

Choctaw R. 321

Sarah F. Ward et al.

vs

Choctaw Nation

R. 321

Sarah J. Ward et al.

vs.

Choctaw Nation.

REFUSED. JAN 23 1907

**COPY OF DECISION FORWARDED
APPLICANT**

JAN 23 1907

**COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT**

JAN 23 1907

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.**

JAN 23 1907

RECORD FORWARDED DEPARTMENT.

JAN 23 1907

For record see 7-A-320.

See Petition #20-34-70

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

MAR 4 1907

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

APR 13 1907

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT**

APR 13 1907

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 12 1901

[Signature]
ACTING CHAIRMAN

T-400.

Twelfth Census of the United States.

Barneson I.T., 2-16-1901
 Mrs. Ward.

Bokoch I.T.,

Dear madam, friend
 When I returned home, Jessie was gone
 & did not get in until last eve,
 which has caused the delay of our
 affidavits in your behalf. But you will
 have plenty of time to get them before
 the Interior Department, some of your
 friends on Cherokee side, can get up
 petition for you, should you fail to get
 through in this nation. Do not circulate
 a petition in this Nation, because that
 would cause the Choctaw commission

1. Date when this establishment commenced operations:

to fight you, that much harder. but say
nothing about what you are doing.
only get affidavits before Dept. if
they fail. send petition from Cherokee
side.

Your friend
Thos J. Wall,

ENROLLMENT REFUSED.

Cherokee means

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 6th, 1900.

In the matter of the application of Sarah F. Ward for enrollment as a Cherokee citizen; being first duly sworn by Commissioner Needles, she testifies as follows:

- Q What is your name? A Sarah F. Ward.
Q What is your age? A Forty-seven.
Q What is your post-office address? A Bokosha.
Q Have you ever been recognized by the Tribal authorities of the Cherokee Nation as a citizen? A Yes sir.
Q Have you ever been enrolled by the Cherokee Tribal authorities? A I don't know whether I have or not; if I have I don't remember.
Q Does your name appear upon any of the Tribal rolls? A I don't know whether it does or not; I don't think it does though.
Q How long has your name been Ward? A About twenty years.
Q Do you claim citizenship as intermarriage? A No sir, I am a Cherokee by blood.
Q What District did you live in in 1880. A I lived in the Choctaw Nation, Skullyville County.
Q Did you ever draw any money? A No, sir.
Q You know whether your name is on any of the rolls or not, don't you? A No sir I don't.
Q Where you admitted by the Commission to the Five Civilized Tribes as a citizen of the Cherokee Nation in 1896, under the Act of Congress? A No sir, I was denied on the ground of living in the Choctaw Nation.
Q Where you admitted by the United States Court in the Indian Territory upon appeal from the decision of the Tribal authorities of the Cherokee Nation? A No sir, I was left out on the grounds of living in the Choctaw Nation.

Commissioner Needles: Your application for enrollment as a citizen of the Cherokee Nation is refused, for the reason that under the Act of Congress approved May 31st, 1900, The Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen in any Tribe in the Indian Territory who has never been duly enrolled, or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior. This decision denying your application for enrollment will be sent to the Honorable Secretary of the Interior for final approval when the final rolls of the citizens of the Cherokee Nation are sent to him for consideration and approval.


M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above foregoing is a full true and complete transcript of his stenographic notes in said case.

Signed M. D. Green.


Subscribed and sworn to before me this 7th day of August 1900.

Signed T. B. Needles
Commissioner.

P. G. Reuter, being duly sworn, certifies, as Clerk to the Commission to the Five Civilized Tribes, that the above and foregoing is a true and correct copy of the transcript in the case of Sarah F. Ward for enrollment as a citizen of the Cherokee Nation.



Subscribed and sworn to before me this twenty third day of August, A. D., 1900.


_____ Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T. March 12, 1901.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Sarah F. Ward and her three minor children. Sarah F. Ward being duly sworn by Acting Chairman Bixby testified as follows:

Examination by the Commission.

- Q What is your name? A Sarah F. Ward.
Q What is your age? A 47 going on 48.
Q What is your post-office address? A Bekoshe.
Q How long have you lived in the Choctaw Nation? A About 21 years. 21 or 22.
Q Have you lived there continuously for that length of time?
Q Yes sir, I have lived right there on one place.
Q Where did you come from to the Choctaw Nation?
A Cherokee Nation, from Sequoyah District.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Had you ever enrolled as a citizen of the Cherokee Nation?
A Yes sir. The first time I married, I married a white man and he had to get a license from the Cherokees.
Q You left the Cherokee Nation before 1880? A Yes sir.
Q Have you ever been enrolled in the Choctaw Nation? A Not that I know of.
Q Did you ever draw any money for yourself and your children from the Choctaw Nation? A Mr. Ward drew after we was married but I didn't draw any.
Q What was your father's name? A Charles Fleetwood.
Q What nationality was he? A I don't remember now. I think he was from South Carolina. I think he was born and raised in South Carolina as well as I can remember.
Q He was a white man? A Yes sir.
Q He is dead now? A Yes sir.
Q What was your mother's name? A Lucinda Fleetwood.
Q Did she belong to any tribe of Indians. A Cherokees, she always told me. She was born and raised with them.
Q You are applying now for the enrollment of yourself and your three children Henry B., Grever Cleveland and Frances T. Ward as citizens of the Choctaw Nation? A Yes sir.
Q These are your three boys that are living now are they?
Q The youngest one is a girl, Frances.
Q Who was the father of these three children? A Jeremiah Ward.
Q Is he living? A No sir.
Q Was he a member of any tribe of Indians in the Indian Territory? A Choctaw by blood is what he always told me.
Q To what tribe did he belong? A Choctaw.
Q Always been recognized by the Choctaw authorities as a member of the tribe? A Yes sir.

On October 9th, 1899, at Tushkahomma, Indian Territory, Sarah F. Ward applied for the enrollment of herself and her three minor children as citizens of the Choctaw Nation. Upon an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the names of these persons were not found thereon.

Sarah F. Ward 2--

On August 6th, 1900, at Ballisaw, Indian Territory, Sarah F. Ward appeared before the Commission as an applicant for enrollment as a citizen of the Cherokee Nation. Her application was refused under the provisions of the act of Congress approved May 31st, 1900 for the reason that her name was not found upon any of the tribal rolls in the possession of the Commission nor had she ever been admitted to citizenship in the Cherokee Nation by the tribal authorities thereof or by the properly constituted authorities of the United States.

Q Mrs. Ward, did you ever make application to the Commission to the Five Civilized Tribes under the act of Congress of June 10th, 1896, for citizenship in the Choctaw Nation? A Mr. Ward made it in his application.

Q Your name was included in that application? A Yes sir, mine and the three children.

Under the act of Congress of June 10th, 1896, an original application for citizenship in the Choctaw Nation was filed by Jeremiah Ward and the same appear upon the 1896 citizenship docket C, Choctaw case No. 32. The original application in this case was filed September 9th, 1896 and prayed that Jeremiah Ward, Sarah F. Ward, Henry B. Ward, Grever C. Ward and Frances F. Ward be admitted to citizenship in the Choctaw Nation and duly enrolled as such citizens. On October 7th, 1896, the answer of the Choctaw Nation was filed thereto. The original petition in this case alleges that the applicant, Jeremiah Ward was born in 1822 in the state of Mississippi and that in the year 1844 he married a Chickasaw Indian and after her death in 1849 married a Choctaw Indian woman by whom he had a number of children. In 1878 for various reasons a divorce was granted him from his Choctaw wife and he then in the year 1879 married his present wife, Sarah F. Ward, nee Palmore, a Cherokee woman by whom he has three children. It appears that the applicant, Jeremiah Ward claims his right by reason of his marriage to his second wife and makes claim on behalf of his Cherokee wife by reason of her marriage to him.

The original entry on the 1896 citizenship docket of Choctaw cases is as follows: "Application granted as an intermarried citizen." and on the face of the original papers filed in this case the following notation: "Jeremiah Ward is admitted as an intermarried citizen."

There is no record of any appeal having been taken from the decision of the Commission nor does it appear that there has ever been any action taken by the Commission on the application filed by Jeremiah Ward in 1896 for his wife, Sarah F. Ward and their three children, Henry B. Ward, Grever C. Ward and Frances F. Ward.

Q Did you ever make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Cherokee nation?

A Yes sir, I had no proof though and Mr. Ward was down sick and I couldn't get out to get it and made it to the best of my knowledge and was rejected.

Q Do you know the title of the case in which your application was included? A Yes sir.

Q What is it? A I just asked them to enroll me over there as a Cherokee and stated that I was a Cherokee by blood.

Sarah V. Ward 3

~~CONFIDENTIAL~~

Q I mean in 1896 at the time Mr. Ward made the application for citizenship in the Choctaw Nation didn't you make an application for citizenship in the Cherokee Nation? A Yes sir, and was rejected.

Q Do you know the title of that case? A No sir, I don't remember now. I have got a notice of it though at home where it was rejected.

The records of the Commission of original applications for citizenship in the Cherokee Nation heard under the act of Congress of June 10th, 1896 examined and on page 443 of citizenship docket B in Cherokee case 5572, Eljerry Fleetwood et al versus the Cherokee Nation, original application filed September 7th, 1896. The answer of the Cherokee Nation was filed and on November 24th, 1896 the Commission admitted to citizenship in the Cherokee Nations the applicants whose names were included in the original application filed with the Commission on September 7th, 1896. Included in such original application were the names of Sarah Fleetwood Ward, Geover C. Ward, Jerry Ward and Henry Ward. From the decision of the Commission the Cherokee Nation prayed an appeal to the United States Court for the Northern District of the Indian Territory and that court on November 10th, 1899 in court case No. 252 rendered a decision admitting to citizenship in the Cherokee nation 24 of the applicants named in the original petition. By the same judgment citizenship in the Cherokee Nation was denied the following persons: Sarah Ward, Samuel Meeks, Susan Palmore, _____ Ward, Johnnie Fleetwood Andrew Palmore, Grover Cleveland Ward, _____ Ward, Roxie Fleetwood, Arizona Fleetwood and Minnie Fleetwood.

The persons to this application apply for enrollment as citizens of the Choctaw Nation but their names are not found upon any of the tribal rolls of the Choctaw Nation now does it appear from an examination of the Choctaw records in the possession of the Commission and the records of the Commission, that they have ever been admitted to citizenship in the Choctaw nation by the tribal authorities thereof or by this Commission acting under the law of June 10th, 1896 or by the United States Court in Indian Territory on appeal.

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Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 12th day of March, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 13th day of March, 1901.

L. T. Emerson
Notary Public

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
WISTER, I.T. Dec. 16, 1902.

7-3521

In the matter of the application of Sarah F. Ward and her three minor children for enrollment as citizens of the Choctaw Nation.

(John London attorney for applicants.)

Jane F. Page being sworn as a witness in this case testified as follows:

Examination by the Commission:

- Q What is your name? A Jane F. Page.
- Q How old are you? A 30 years old, will be 30.
- Q What is your post office address? A Folsom.
- Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
- Q Are you acquainted with a man named Jeremiah Ward? A Yes, knowed him ever since I can remember.
- Q Was he a white man? A No sir.
- Q Did he have Indian blood? A Yes, knowed his old mother.
- Q How much Indian blood did he have? A I don't know; his father was a white man and his mother Choctaw.
- Q Do you know how much Choctaw blood his mother had? A I don't know; his mother had as much Choctaw as I have; my father was half breed and mother was a quarter.
- Q Were Jeremiah Ward and his mother recognized as citizens of the Choctaw Nation? A I reckon they was; when Jeremiah Ward pulled out at 28 years old-- he was sheriff for a while and County Judge, circuit judge and supreme judge and drawed money with us and he was recognized as Indian.
- Q Is he dead now? A Yes sir.
- Q When did he die? A I don't remember how long he has been dead; it has not been many years since he died.
- Q Was he living in 1893 when the Land District payment was made? A Yes sir.
- Q Did he draw money at that time? As a Choctaw Indian? A Yes, just as long as we drawed money he did.
- Q Do you know the name of his first wife? A No; she was nearly full blood; I was at his wedding his first wife.
- Q When was he married to her? A I don't remember but I was a little girl about 16 years old.
- Q How long did he live with her? A Till they was old folks; had a house full of children.
- Q Did she die? A No sir I think she is living; they were separated.
- Q Were they divorced? A I guess so; he married the second time. He couldn't have married unless divorced.

2--tes of Jane F. Page

- Q You don't know then whether they were actually divorced? A No, I can't swear.
- Q What was the name of his second wife? A I knowed but I never saw her till yesterday.
- Q How many times was he married? A Twice.
- Q Do you know that this woman here, Sarah F. Ward, is the wife of this identical Jeremiah Ward whom you have been talking about?
- A Yes; I was never at her house but once.

Witness excused and Francis M. Monks called and sworn as a witness in this case:

- Q What is your name? A Francis M. Monks.
- Q How old are you? A I will be 73 in March.
- Q What is your post office address? A Sutler.
- Q Are you a citizen of the Choctaw Nation? A Yes sir.
- Q By blood or inter marriage? A Inter marriage.
- Q How long have you lived in the Choctaw Nation? A I have been considered a citizen since '58.
- Q Are you acquainted with this applicant here, Sarah F. Ward?
- A Not personally acquainted with her; I was well acquainted with her husband.
- Q What was her husband's name? A Jerry Ward; I don't know his middle name.
- Q Did you know him well? A I knowed him well off and on up to his death.
- Q Was he a white man? A I can't tell you what blood he was.
- Q What was he considered to be, white man or Indian? A I don't know that--when I first knew him he was considered a citizen and acting as official in Skullyville County.
- Q Do you know whether he held this office as a citizen or by blood?
- QA I don't know he was circuit and County judge.
- Q Do you know the name of his wife? A I knew the woman but don't know the name.
- Q Was she a white woman? A --
- Q Was she Indian? A I think she was.
- Q What tribe of Indians was she a member of? A It is my opinion she was Choctaw.
- Q When was he married to her? A I don't know; they was living together when I got acquainted with him; that's about '58 I suppose; he lived near Skullyville County.
- Q He was living with this Choctaw woman in '58? A That's my knowledge; I wasn't personally acquainted with either one of his wives; I was acquainted with him and his bees; I am acquainted better with him and his children than either one of his wives.

Examination by Simon E. Lewis:

To Sarah F. Ward:

- Q Wasn't your maiden name Fleetwood? A Yes sir.
- Q Didn't you always used to pass for a Cherokee? A Yes sir.

Simon E. Lewis being sworn as a witness testified as follows:

- Q What is your name? A Simon E. Lewis.

3--S.F.Wade:

Q How old are you? A Sixty two years old.

Q What is your post office address? A M cAlester.

Q You are a citizen by blood of the Cheetaw Nation? A Yes sir.

Q Were you acquainted with a woman- a man named Jeremiah Ward? A Yes sir.

Q How long did you know that man? A I never was personally acquainted with him until about '65; I had heard of him a good while before that.

Q State what you know about the blood of his family. A I wish to state that in the old Joseph P. Pulson Code there is a law there admitting Mrs. Ward and her children to remain here during good behavior; that woman was Jerry Ward's mother; I suppose by that they weren't citizens; that's all I go by; I think her maiden name was Cooper; it was simply a permit to remain here during good behavior; they weren't citizens at that time.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above case on December 16, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 6 day of January, 1903.

Charles H. Sawyer
Notary Public.

West

7-R-320
7-R-321
23-943
W-34
W-70

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John Ward, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the census card records in this case that in August, 1899 John Ward (42 years of age) appeared before the Commission to the Five Civilized Tribes and made application for enrollment of himself and his six minor children, Henrietta (16 years of age), Joseph B (15 years of age), Chester A (11 years of age), William Edward (8 years of age), Elmer Owen (6 years of age) and Johnnie M Ward (4 years of age), as citizens of the Choctaw Nation and for the enrollment of his wife Nancy E Ward (40 years of age) as a citizen by intermarriage of the Choctaw Nation. On October 9, 1899, application was made to said Commission by Sarah F Ward (46 years of age), for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation and for the enrollment of her three minor children, Henry B (17 years of age), Grover C (14 years of age) and Francis F Ward (13 years of age), as citizens of said Nation. On June 3, 1901, application was made for the enrollment of Addie Ward (now Winans) as a citizen of the Choctaw Nation and on May 6, 1903, application was made for the enrollment of Bertha D Winans as a citizen of said Nation. June 30, 1906, written application was made for the enrollment of Raymond Winans as a citizen of the Choctaw Nation.

It further appears from the records in the possession of this office that on September 7, 1896, in the case entitled "John Ward and Sarah York vs. Cherokee Nation" (1896 Cherokee Citizenship Case, No. 4529), original application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Cherokee Nation of the applicants, John Ward, Nancy E Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward and Johnnie M Ward and that subsequent thereto said Commission rendered its decision therein denying said application, from which decision no appeal was taken.

It further appears that on September 7, 1896, in the case entitled "Eljerry Fleetwood, et al., vs. Cherokee Nation" (1896 Cherokee Citizenship Case, No. 5572), original application was made to the Commission to the Five Civilized Tribes for the admission to citizenship in the Cherokee Nation of the applicants, Sarah F Ward, Henry B Ward, Grover C Ward and Francis F Ward, and that subsequent thereto said Commission rendered its decision therein denying said applicants as citizens of said nation. Thereafter an appeal was taken to the United States Court for the Northern District of the Indian Territory, wherein said applicants were admitted as citizens of the Cherokee Nation.

The records in the possession of this office further show that on September 9, 1896, in the case entitled "Jeremiah Ward vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 32), original application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for the admission of Jeremiah Ward as a citizen by intermarriage of the Choctaw Nation; for the admission of his wife, Sarah F Ward as a citizen by intermarriage of the Choctaw Nation and for the admission

of his three minor children, Henry B Ward, Grover C Ward and Francis F Ward, as citizens of said nation. Jeremiah Ward claimed his right to admission as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to a Choctaw Indian woman, and Sarah F Ward, claimed her right to admission as a citizen of the Choctaw Nation by virtue of her marriage to said Jeremiah Ward. Subsequent thereto said Commission admitted said Jeremiah Ward as a citizen by intermarriage of the Choctaw Nation but no action was ever taken as to the application for the admission of the other applicants therein. From this decision no appeal was taken.

The records of this office further show that on August 6, 1900, Sarah F Ward, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation; that on July 29, 1902, said application was denied by said Commission and on August 29, 1902 the same was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 22, 1906, a petition praying for the enrollment of John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William C Ward, Elmer Ward, Johnnie M Ward and Ada Ward, as citizens of the Choctaw Nation. January 26, 1906, a petition was filed praying for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation and for the enrollment of Ada Odell Winans, Bertha Winans, and Raymond Clemen Winans, as citizens of the Choctaw Nation. All of the above petitioners, with the exception of Melissa C Taylor, are identical with the applicants for whom application has heretofore been made as citizens of the Choctaw Nation.

It does not appear from the records in the possession of this office that any application has ever been made for the enrollment of Melissa C Taylor as a citizen of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137). It appears, however, that on September 7, 1896, in the case entitled "Mrs. Melissa Ward vs. Cherokee Nation" (1896 Cherokee Citizenship Docket, Case No. 4252), original application was made to the Commission to the Five Civilized Tribes for the admission of the petitioner, Melissa C Taylor, (formerly Ward), as a citizen by intermarriage of said nation, claiming her right thereto by virtue of the marriage to Joe Ward, an alleged citizen by blood of the Cherokee Nation and that subsequent thereto said application was denied by said Commission, from which decision no appeal was taken.

The applicant, John Ward, is the son of Sam Ward, now deceased, and alleged citizen by intermarriage of the Choctaw Nation and Eliza J Ward, now deceased, and alleged Cherokee by blood, and the applicants, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward and Johnnie M Ward, are the children of said John Ward, and the applicant, Nancy E Ward, who claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to the said John Ward. The applicant, Addie Ward, now Winans, is the daughter of the petitioner, Melissa C Taylor, and Joe Ward (now deceased), a full brother of the applicant, John Ward. The petitioner, Melissa C. Taylor claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to Joe Ward, above mentioned.

The applicants, Bertha D Winans (borne December 14, 1901) and Raymond Winans (born January 28, 1904), are the children of the applicant, Addie Ward, now Winans, and Walter Winans, a non-citizen.

The records of this office and the record herein show that the applicant, Sarah F Ward, is the daughter of Charles Fleetwood (now deceased), a non-citizen, and Lucinda Fleetwood (now deceased), and alleged Cherokee by blood, and claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to Jeremiah Ward (now deceased), who is alleged to have been a citizen by intermarriage of the Choctaw Nation, and possessed of Choctaw blood, and the applicants, Henry B Ward, Grover C Ward and Francis F Ward, claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of said Sarah F Ward and Jeremiah Ward.

The evidence in this case clearly shows that the applicants John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward, Addie Ward (now Winans) Bertha D Winans and Raymond Winans, are not possessed of Choctaw blood. It appears, however, that John Ward, Nancy E Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward and Addie Ward (now Winans), are identified upon the 1896 Choctaw Census roll as residents of Atoka County, opposit numbers 14042, 14043, 14044, 14045, 14046, 14047, 14048, 14049, and 14050, respectively. The applicants, John Ward, Nancy E Ward, Henrietta Ward, Joseph B Ward and Addie Ward (now Winans), are also identified upon the 1885 Choctaw Census roll opposite numbers 709, 710, 711, 712 and 834, respectively.

The applicants, Sarah F Ward, and her children, Henry B. Ward, Grover C. Ward and Francis F Ward, are not identified upon any of the tribal rolls of the Choctaw or Cherokee Nations in the possession of this office. Neither is Jeremiah Ward, husband of said Sarah F Ward, identified upon any of the tribal rolls of said nations in the possession of this office.

It does not appear that any of the applicants herein or the petitioner, Melissa C Taylor, have ever been recognized or enrolled as citizens of the Cherokee Nation nor have any of said persons been admitted to citizenship in either the Choctaw or Cherokee Nation as citizens of said nations by any legally constituted authority thereof.

I am of the opinion that inasmuch as the applicants, John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward and Addie Ward (now Winans), are not possessed of Choctaw blood, their enrollment upon the 1885 and the 1896 Choctaw Census rolls is without authority of law, and their names should be stricken therefrom, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

I am further of the opinion that the application for the enrollment of John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward, Addie Winans (formerly Ward), Bertha D Winans, Henry B Ward, Grover C Ward and Francis F Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, and the petition herein insofar as it applies to said applicants, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the application for the enrollment of Nancy Edward Ward and Sarah F Ward, as citizens by intermarriage of the Choctaw Nation and the petition herein insofar as it applies to the latter, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

... (non necessary) ... a non-citizen ... and through ... (non ...
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... of this office and the ... upon

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I am further of the opinion that the application and petition for the enrollment of Raymond Winans as a citizen of the Choctaw and Cherokee Nation, and the petition herein insofar as it applies to said applicant, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that inasmuch as it does not appear from the records in the possession of this office that any application has ever been made for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to receive or consider any application for her enrollment as such, and her petition, should be dismissed, and it is so ordered.

SIGNED

Jame Bixby

Commissioner.

Muskogee, Indian Territory.

JAN 23 1907

Muskogee, Indian Territory, August 29, 1900

Mr. Philip G. Reuter,
Care Deves Commission,
Fort Gibson, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 22nd instant, enclosing four copies of transcript in the case of Sarah H. Ward, for enrollment as a citizen of the Cherokee Nation, refused under the act of May 31st, 1900.

There is enclosed you herewith, a copy of the testimony in the matter of the application of Sarah F. Ward for enrollment of herself and children as Choctaw citizens and the judgment of the Commission rendered in this case at Tuskeehoma, Indian Territory, October 9th, 1899.

The transcript forwarded by you has been filed with our Choctaw No. R-321, of which the testimony sent you herewith is a part of the record.

Yours truly,

Acting Chairman.

Enc M

7-R-321

Muskogee, Indian Territory, February 14, 1901.

Mrs. Sarah E. Ward,

Bokoshe, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 8th instant in which you desire to be informed when the records in the matter of your application for enrollment will be sent to the Secretary of the Interior for his consideration and that you desire at some time before the forwarding of such papers to file additional documentary evidence in support of your claim.

Replying to your letter you are informed that the records of the Commission show that you have been an applicant for enrollment both as a citizen of the Choctaw and Cherokee Nations and that your name was included in original applications made to this Commission in 1898, for citizenship in both the Choctaw and Cherokee Nations.

Before final action of the Commission in this case and the transmission of records to the Secretary of the Interior, it will be necessary that further evidence be taken in this case and for the purpose of hearing such testimony the Commission will hear you and such witnesses as you desire to present in support of your claim at its office in Muskogee, Indian Territory, on Tuesday, March 13th, 1901.

3 P 2

It is very essential to your right and the rights of
your children to citizenship that you make this appearance.

Yours truly,

Acting Chairman.

7-R-321

Muskogee, Indian Territory, April 6, 1901.

Mrs. Sarah F. Ward,

Okemah, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of March 22, 1901, requesting that all communications from the Commission relative to your case be hereafter addressed to you personally, instead of an attorney. You are informed that your request in the matter will be complied with.

You also desire to be advised as to what time your case will be forwarded to the Secretary of the Interior, and you are informed that no decision has yet been rendered in the matter of your application for enrollment as a citizen of the Chestate Nation. Whenever such decision is made, a copy of the same, stating fully the reasons for any action taken in your case by this Commission, will be mailed to you at your present postoffice address.

Yours truly,

Acting Chairman.

7- R 321.

Muskogee, Indian Territory, October 17, 1901.

Barah F. Ward,

Hoyt, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter without date, in which you enclose a copy of a notice addressed to Jeremiah Ward, relative to the action of the Commission to the Five Civilized Tribes upon his application for citizenship in the Choctaw Nation. The same has this day been filed and made a part of the records in the matter of the application for the enrollment of yourself and minor children as citizens by blood of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-R 321

Chester R. 221

Muskegee, Indian Territory, June 3, 1902.

Sarah F. Ward,

Bokoshe, Indian Territory.

Dear Madam:

Your letter of May 12, 1902, addressed to the Secretary of the Interior, Washington, D. C. has been by him referred to this Commission for consideration and appropriate action.

Therein you make complaint of certain treatment received by you from the Commission to the Five Civilized Tribes and also enclose your affidavit of May 12, 1902, and permits issued by E. D. Ward, County Clerk of Muskogee County, Choctaw Nation, May 2, 1894 and March 3, 1896 to Jeremiah Ward and Sarah F. Ward to employ United States citizens for the Choctaw Nation, Indian Territory.

You are informed that the Commission to the Five Civilized Tribes has not up to this time rendered any decision relative to the rights of yourself and your children to enrollment as citizens of the Choctaw Nation but such decision will be rendered in the near future. You will be furnished with a copy thereof and be duly advised of the forwarding of the record in the case to the Secretary of the Interior for his review. Such record will contain all papers that have been submitted by you in support of the

3272

application for the enrollment of yourself and your children as
citizens of the Choctaw Nation.

Yours truly,

Acting Chairman.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1192.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

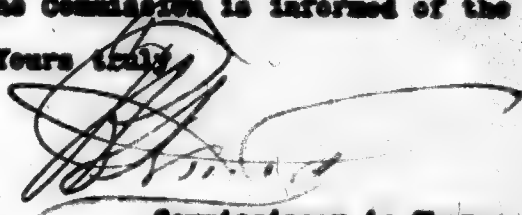
Muskogee, Indian Territory, July 29, 1902.

The Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Sarah F. Ward, your number, R 321, for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 3.

7-B-321.

Muskogee, Indian Territory, August 23, 1903.

Sarah F. Ward,

Bokoshe, Indian Territory.

Dear Madame:

The Commission is in receipt of your letter of the 19th instant relative to your application for the enrollment of yourself and your three minor children, Henry B., Grover G. and Frances F. Ward as citizens of the Choctaw Nation, and forwarding your affidavit relative to said matter.

In reply you are advised that said affidavit has been filed with the records in the matter of the application for the enrollment of yourself and your three minor children as citizens of the Choctaw Nation, and will be given due consideration when said application is taken up for final action by the Commission.

Yours truly,

Acting Chairman.

Bokoshe, I. T.,

Aug. 19th, 1902.

Hon "Com" to the five civilized tribes,
Muskogee, Ind Tre.

Very Dear Sirs:

I am in receipt of your letter stating that I would be notified when you forwarded my claim to the Sec. of Interior for citizenship in the Choctaw Nation, which would be done in the near future.

I would be pleased to have you gentlemen consider this one proposition before you settle upon the case. Does it look reasonable
1st After my husband Jeremiah Ward had held office in the Choctaw Nation, even before the war of '61. 2nd Also held office in the Choctaw Nation since the was repeatedly. 3rd, that he was admitted by the U. S. Com. in Ft. Smith, in 1856 as an Indian by blood and 4th Then come up at last and apply as the application in your possession now reads for citizen by marriage. Doesnt this look strange? Isnt this unreasonable? Is it not but a little less than absurd? No gentlemen, Its a trick to beat a poor widow woman and little children out of their Just rights, their home, their hard earnings, and I do believe you are too honest concentious men to allow such an unjust

(2).

perpetration to obtain as is this one now before you in my case.

I don't want anything but my rights. I do not desire, have never thought of trying to obtain a claim on technicalitys. And I shall have to ask you kindly to Just once more examine my husbands applications for any changes or interpolations that might be made. Not desiring to worry or be burdensome to your Hon body,

I am,

Sincerely,

Mrs. Sarah F. Ward.

I went in person to Mr. Woodward the Notary whose name appears in my affidavit to get him to also make an affidavit as to how he remembered the application of my husband read, and his recollection was that it was for citizenship by blood, but he said he had rather not testify as he and Judge John Taylor were friends, and it might make Taylor mad at him. Mr. Woodward is now in the Mercantile business and he thought also it might be detrimental to his interests.

Yours,

Sarah F. Ward.

7-2-221

Muskogee, Indian Territory, July 26, 1903.

Jeff D. Ward,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 22, asking if final disposition has been made of the application of Sarah F. Ward of Bokeshe, Indian Territory, for enrollment in the Choctaw Nation.

In reply to your letter you are informed that it appears from our records that Sarah F. Ward is an applicant to this Commission for the enrollment of herself and her three children, Mary E., Grover C. and Francis T. Ward as citizens of the Choctaw Nation, and their final right to such enrollment has not yet been determined. As soon as a decision is reached in this case she will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Waskagee, Indian Territory, February 10, 1904.

Sarah F. Ward,

Waskagee, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself and children, Henry B., Grever C. and Francis T. Ward, as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw R 321

Muskogee, Indian Territory, June 1, 1904.

A. J. Palmore,

Bokoshe, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 22, stating that your mother, Sarah F. Ward, is now dead, and you ask if she has been enrolled as a citizen of the Choctaw Nation.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Sarah F. Ward for the enrollment of herself and her children, Henry B., Grover C., and Frances T. Ward, as citizens of the Choctaw Nation. As soon as a decision is reached in this case the applicants will be notified of the action taken therein.

The matter of your inquiry relative to your enrollment as a citizen of the Cherokee Nation will be made the subject of another communication.

Respectfully,

Chairman.

7-R-321

Muskogee, Indian Territory, November 15, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 11, 1906, asking the status of the application for enrollment as citizens of the Choctaw Nation of Sarah F., Henry B., Grover C., and Francis T. Ward whose name appears upon your undetermined list of citizens of the Choctaw Nation on Choctaw card R 321.

In reply to your letter you are advised that no decision has yet been reached in the matter of the application for the enrollment of the persons above named and their status is that of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Commissioner.

1
REPLY IN REPLY TO THE FOLLOWING:

9-

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1906.

Chief Clerk,

Choctaw-Chickasaw Enrollment Division.

Dear Sir:

In compliance with your verbal request, there is inclosed herewith copy of testimony in the matter of the application of Sarah F. Ward for enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. 8-32

Muskogee, Indian Territory, December 5, 1906.

Wallace Wilkinson,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 26, 1906, stating that Sarah F. Ward is the mother of Frances Ward Selby concerning whom you made inquiry in a previous letter and application was made for her enrollment at Bokoshe; you further state that her mother was rejected as a Cherokee July 29, 1902 and her father was a Choctaw.

In reply to your letter you are advised that the information contained therein has enabled this office to identify Sarah F. Ward and her children Henry B., Grover C., and Frances T. Ward as applicants for enrollment as citizens of the Choctaw Nation.

You are further advised that no action has been taken in this case.

It appears, however, that Sarah F. Ward claims to be a Cherokee by blood and that the father of Henry B., Grover C., and Frances T. Ward is Jeremiah Ward a citizen by intermarriage of the Choctaw Nation. You will be notified of such action as is taken in this case.

Respectfully,

Acting Commissioner.

7-B-120
7-B-321
23-942
W-34
W-70

COPY

Muskogee, Indian Territory, January 23, 1907.

John Ward,

Ateka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of yourself and Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans (formerly Ward) Bertha D. Winans as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, and the application and petition for the enrollment of Nancy Edward Ward as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamm Bixby*
Commissioner.

Registered.

W-70

7-B-321
7-B-320
21-943
W-34
W-70

COPY
McKehee, Indian Territory, January 23, 1907.

Melissa C. Taylor,

Atoka, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, dismissing the application and petition for the enrollment of yourself as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*
Commissioner.

Registered.

Incl. 7 W-70

7-2-321
7-2-320
23-943
W-34
W-70

COPY
Muskogee, Indian Territory, January 23, 1907.

Sarah F. Ward,

Muskogee, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for your enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Henry B. Ward, Grover C. Ward and Francis F. Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*
Commissioner.

Registered.

W-70/

71-1330
7-1-321
23-944
W-34
W-70

COPY
Muskogee, Indian Territory, January 23, 1907.

W. S. Farmer,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B. Ward, Francis Ward and Grover C. Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F. Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

L. M. Dixby
Commissioner.

Registered W-70

7-1-120
7-2-121
23-943
W-34
W-70

COPY

Muskogee, Indian Territory, January 23, 1907.

Wallace Wilkinson,

Attorney at Law.

South McAlester, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A. Ward, William Edward Ward, Elmer Owen Ward, Johnnie K. Ward, Audie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B. Ward, Francis Ward and Grover C. Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F. Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED: *Tams Bixby*

Registered. W-70

Commissioner.

7-2-329
23-943
W-34
W-70

COPY

Muskogee, Indian Territory, January 23, 1907.

Halls Bros.

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie E Ward, Addie Winans, nee Ward, Bertha D Winans, Raymond Winans, Henry B Ward, Francis Ward and Grover C Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa C Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED: *Jame Bixby*

Commissioner.

Registered W-70

7-B-320

7-B-321

23-043

W-34

W-70

LOPY

Muskogee, Indian Territory, January 23, 1907.

Cherokee Enrollment Division,

General Office,

Muskogee, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward, Addie Winans, nee Ward, Bertha D Winans, Raymond Winans, Henry B Ward, Francis Ward and Grover C Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of Melissa G Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Leone Bixby

Commissioner.

Registered. W-70

7-2-320
7-2-321
23-943
W-34
W-70

COPY

McKee, Indian Territory, January 23, 1907.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application and petition for the enrollment of John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward, Addie Winans, nee Ward, Bertha D. Winans, Raymond Winans, Henry B Ward, Francis Ward and Graver O Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, the application and petition for the enrollment of Nancy Edward Ward and Sarah F Ward as citizens by intermarriage of the Choctaw Nation, and dismissing the application and petition for the enrollment of William C Taylor as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Dixby*

Registered W-70

Commissioner.

John Ward et al

vs

Choctaw Nation

REFUSED, JAN 23 1907

COPY OF DECISION FORWARDED
APPLICANT

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT, JAN 23 1907

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS, JAN 23 1907

RECORD FORWARDED DEPARTMENT

Judgement written Feb 17 1921
Ass. JAN 23 1907

Pice Petition # 23-34-70
" 23-943,

Refused

ACTION APPROVED BY
SECRETARY OF INTERIOR, MAR 4 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS, APR 13 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT, APR 13 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT, 1907

Choc. R. 322

Anna Walker

R. 322

In the matter of the application for
the enrollment of Ann Walker as a
member of the Choctaw Nation.

REFUSED.

MAY 19 1902

COPIES OF DECISION FORWARDED
APPLICANT

MAY 19 1902

MAY 19 1902

RECORDED FOR RECORDED DEPARTMENT MAY 19 1902

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 30 1902

In the matter of the application for
the enrollment of Anna Walker as a
citizen of the Choctaw Nation.

Department of the Interior

Indian Territory

Is the application of said roll for enrollment as a Choctaw
being given and examined by your department and certified as follows

- Q What is your name? A Sam Miller
Q How old are you? A Sixty
Q Are you on any of the Choctaw rolls? A I reckon no.
Q You never have been enrolled have you? A No, I think not.
Q And your father and mother on the rolls here in the Choctaw
Nation? A My mother was, she is dead now.
Q Where did she die? A In Arkansas.
Q How long ago? A About twenty years ago.
Q She never lived here in the Choctaw Nation never? A No
sir, not here she didn't.

Chief Examiner: That's all, enroll you, enrollment is refused.

Department of the Interior

Commissioner of the General Land Office

Washington, D. C.

January 1, 1900

Enclosed for the Choctaw Nation

is a copy of the roll of the Choctaw Nation

as of January 1, 1900

Very respectfully,
M. J. [Signature]

7-2-341,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----20-----

In the matter of the application of Ann Walker for the enrollment of herself as a citizen of the Choctaw Nation.

DECISION.

The record in this case shows that the applicant, Ann Walker, appeared before the Commission at Caddo, Indian Territory, at its session beginning August 21, 1898, and ending August 25, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor

by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1898, (30 Stats., 381).

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 19th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed therein by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Ann Walker is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


C. R. Brinkley.
Commissioner.

Muskogee, Indian Territory.

MAY 19 -1902

7 A 222

COPY

Washington, Indian Territory, May 10, 1902,

Ann Walker,

Osage, Indian Territory,

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Cherokee Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

1 inclosure.
Registered.

Acting Chairman

U. S. 323

COPY

Madame, Indian Territory, May 10, 1908.

Mansfield, Mayberry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ann Walker as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Signed

I enclose.

Abraham Chasman,

COPY

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Ann Walker for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission dated May 19, 1902, refusing the application for the enrollment of Ann Walker as a citizen of said nation.

Respectfully,

1st enclosure.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Department of the Interior.
Office of Indian Affairs.

Land.
30926-1902.

Washington June 12, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Ann Walker for enrollment as a Chectaw citizen. The Commission refused to enroll her.

This applicant has never been admitted or recognized as a Chectaw citizen and it is the opinion of this office that the Commission had no authority to enroll her under the existing law.

I respectfully request that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. G. Tamm,
Acting Commissioner.

H. S. S.
L.

D. C. 10428-1902.

Department of the Interior.

P.

I. T. D. 3708-1902.

Washington June 19, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Ann Walker as a citizen of the Choctaw Nation. You refused her application because she had never been enrolled or admitted as a citizen of said Nation. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

P. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Cherokee 2 222.

Waskagoo, Indian Territory, June 20, 1900.

Ann Walker,

Waskagoo, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 10, 1900, affirmed the decision of the Commission, dated May 10, 1900, refusing the application made by you for the enrollment of yourself as a citizen of the Cherokee Nation..

Yours truly,

SIGNED

T. B. Needles

Commissioner in Charge.

COPY.

Choctaw 2 522.

Muskogee, Indian Territory, June 20, 1902.

Mansfield, McFarray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Ann Walker for the enrollment of herself as a citizen of the Choctaw Nation.

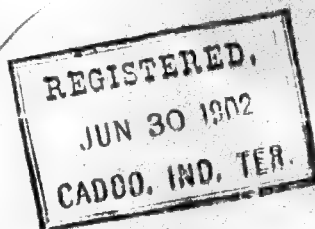
Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Reg 237
228



Ann Walker,

JUN 30 1902



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

7833



ENCLOSURE

R 328
R-323

Sean L. Wells.

FOR IDENTIFICATION AS
A MISSISSIPPI CRIMINAL.

REFER TO M. C. R. # 3438

Choc. R. 324

Sallie Weaver

R. 324

IN THE MATTER OF THE APPLICATION OF
SALLIE WEAVER
FOR ENROLLMENT AS A CITIZEN OF THE
CHOCTAW NATION.

IN THE MATTER OF THE APPLICATION OF
SALLYE WEAVER
FOR ENROLLMENT AS A CITIZEN OF THE
CHOCTAW NATION.

REFUSED.

COPY OF DECISION FORWARDED
APPLICANT JUL 31 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. JUL 31 1903

RECORD FORWARDED DEPARTMENT.
JUL 31 1903

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

SEP 28 1903
NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

OCT 10 1903
NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

OCT 10 1903

Commission to the Five Civilized Tribes,

McAlester, I.T., Nov 14, 1897.

In the application of Gallie Weaver for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Gallie Weaver.

Q How old are you? A Twenty-seven.

Q You claim as a Choctaw? A Yes sir.

Q Where were you born? A Itawamba County, Mississippi.

Q When did you leave there? A I don't know; my mother stated a while ago how long it has been; I am the daughter of Louisa C. Cooper.

Q When did you move into the Territory? A Last Sunday was a week ago.

Q From Texas? A Yes sir.

Q You never lived in the Territory before? A No sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, under my official seal, as
Steno-grapher and sworn and Commissioned, that this
transcript is a true and correct translation of
my stenographic notes.

M. D. Brown

C O P Y

In the matter of the application of W. C. Benson, et al. for citizenship in the Choctaw Nation by blood as Mississippi Choctaws

Affidavit of Jonas Frazier.

Indian Territory
Central District.

On this the 9th day of July 1900. Personally appeared before me the undersigned authority, Jonas Frazier to me well and personally known, who after being duly sworn, according to Law stated as follows to wit, My name is Jonas Frazier, my Postoffice is Caddo, I.T. I am full blood Choctaw Indian and about 90 years old. I have lived in the Choctaw Nation since 1833. Before that time I lived near the Tombigbee River in Mississippi, and was acquainted with John Benson a white man, whose wife was Rhoda Benson a Choctaw woman about One-half breed, I do not remember their children.

I have no interest in any Citizenship case, and the facts set forth by me I know to be true from my own knowledge.

his
Jona x Frazier
mark

Witness

Henry Being
W Wade

Sworn and subscribed to before me this the 1st day of July 1900.

Chas McPherson

Commission expires

Copy of original

C O P Y

In the Matter of the Application of W. C. Benson, et al. vs. Choctaw Nation for Citizenship in said Nation, as Mississippi Choctaws.
Affidavit of John Lewis.

Indian Territory.

ss.

Central District.

On this, the 9th. day of July 1900, personally appeared before me the undersigned authority, John Lewis, to me well and personally known as the person making the following statement, who after being duly sworn according to law deposes and states as follows, to-wit:

My name is John Lewis, my Postoffice is Boggy Depot, I am 76 years of age, I am a full blood Choctaw Indian, and have resided in the Choctaw Nation since 1860, and am recognized and enrolled as a Choctaw Indian. I formerly lived in Mississippi and was acquainted with many of the Choctaws there, in and about a place called Goodland, near Tombigbee River. I was acquainted with William Benson who was a 1/2 blood Choctaw Indian, and his mother Rhoda Benson who was a Choctaw Indian, the maiden name of Rhoda Benson was Rhoda Tollison. I knew these people in Mississippi. I am acquainted with W. C. Benson who is a Applicant for citizenship in the Choctaw Nation, but did not know him in Mississippi as I left there while he was very young. I knew these people (William Benson and his mother Rhoda Benson nee Tollison) in Mississippi before 1860, at which time I left Mississippi."

I have no interest in this or any other case for citizenship, and the facts herein stated I know to be true from my own knowledge.

John x Lewis
his
mark

Henry Being
W Wade

Subscribed and sworn to before me this the 9th day of July, 1900.

Chas McPherson
Notary Public.

Commission expired Sept. 11th, 1901.

Coppy of original affidavit
in W. C. Benson et al.

United States of America
Central District of the
Indian Territory.

Be it remembered that on this the ____ day of July 1900, personal appeared before me a Notary Public in and for the Central District of the Indian Territory, Annie E. Stamphill who after being duly sworn by me deposes and says, that her age is 52 years old, and that her postoffice is Jackson, I.T. Affiant says that she was partially raised in Nashoba County, Mississippi, and Itawamba County, Mississippi, and grew up with the following named persons to-wit:

Ellis Benson, deceased, G. H. Benson deceased, John P. Benson, B. C. Benson, W. C. Benson, D. M. Benson deceased, and Lucetta Benefield, nee Benson, Louiza Cooper nee Benson, Also Mary E. Benson, wife of the deceased C. H. Benson, Mina Benson wife of the deceased Ellis Benson, and Sirena Benson wife of the D. M. Benson deceased, now the wife of Mat Faulkner. Affiant says that she knows each of the above named persons except the wives of the deceased Bensons as above named, to be the children of William Benson and his wife Nancy Benson, except B. C. Benson, W.C.Benson and D.M.Benson who were the children of the said William Benson and his second wife Susan Benson.

Affiant says that she knew them there and knows them here, and knows that they are the same persons that she knew there, She also states that she has heard read the affidavits of Jonas Frazier and John Lewis, which were given on the 9th day of July 1900. And Knows that the W. C. Benson therein named to be the same W. C. Benson whose name appears in the above affidavit and knows him to be a brother of each of the above named Bensons, and she fairly believes from what she has heard the people that know them in Mississippi say, that they are Mississippi Choctaw Indians by blood, and she further states that she knows the above applicants as named to be the persons who applied to the Daws Commission at Colbert, I.T. for enrollment as Mississippi Choctaw Indians, on the 20th day of June 1900, to be from the State of Mississippi.

W. H. H. H.

her
Annie E. x Stanphill
mark

Subscribed and sworn to before me this the ____ day of July, 1900.

H. W. Attaway
Notary Public.

Copy of original.

C O P Y .

United States of America.
Central District of the
Indian territory.

Be it remembered that on this the ____ day of July 1900, personally appeared before me a Notary Public in and for the Central District of the Indian Territory V. C. Stanphill who after being duly sworn by me deposes and says, that his age is 60 years old, a resident of the Choctaw Nation Indian Territory, and his Post-office is Jackson, I.T.

Affiant says that he was born and raised on the line of Alabama and Mississippi, and was as well acquainted in Mississippi as Alabama, and spent part of his boyhood days in Itawamba county Mississippi, and was well acquainted with William Benson and his family there in Mississippi, and know that William Benson was considered by all the people in general to be Indians.

Affiant says that he knew all of the children of William Benson and his wife Nancy Benson, whose names appears towit: J.P.Benson, Ellis Benson, Cyrus Benson, and Lucetta Benefield Nee Benson, Luiza Cooper Nee Benson, and that he also knew William Benson second wife, Susan Benson, and that they had borned to them by this marriage the following children to wit;

B.C.Benson, W.C.Benson, and D.M.Benson Deceased, These persons as above named I knew while they wer living at their home in Mississippi. and he further states that he has met here all of the above named parties except Louiza Cooper, Mina Benson the wife of Ellis Benson Deceased and Sirena Benson, the wife of D. M. Benson Deceased. and know them to be the Parties that lived in the above named County and State, Affiant says that he has read the Affidavits of Jonas Frazier and John Lewis, that was given on the 9th day of July, 1900. and knowas that William Benson and W. C. Benson therein named to be the same persons herein described in the above Affidavit and the same persons that I knew in Mississippi.

Affiant says that he knows William Benson to be the Father of W. C. Benson and his Brothers and Sister as above named in this Affidavit, and each as aboved named to be the persons who appeared before the Daws Commission at Colbert, I.T. On the 20th day of June, 1900, for enrollment as Mississippi Choctaw Indian for them selves and Minor children.

V. C. Stanphill

Subscribed and sworn to before me this the 13th day of July, 1900.

H. W. Attaway

Notar Public.

Coppy of original.

in W.C.Benson.

C O P Y .

United States of America.

Central District of the

Indian Territory.

Be it remembered that on this the 18th day of July 1900. personally appeared before me a Notary Public in and for the Central District of the Indian Territory L. K. Cleavland L.K. Cleveland, who after being duly sworn by me deposes and says, that he is 45 years old and his Post-office is Jackson, I.T.

Affiant says that he lived in Mississippi in the year 1882, in Itawamba county, and his Post-office was Eastman, Mississippi, And during that time he was well acquainted with W. C. Benson John P. Benson, and B. C. Benson, who were then living in Itawamba county Miss. and they were considered to be Indians by the people in general. Affiant says that he has met the above named persons since he came to the Territory, and knows them to be the same persons that he knew in Itawamba county, Mississippi, in 1882. Affiant further says that he has heard the Affidavit of John Lewis read which he gave in the W.C. Benson et. al. case, on the 9th day of July 1900. And knows the W.C. Benson whose name appears in said Affidavit to be the same W. C. Benson that he knew in Mississippi and knows here, and knows him to be the same person that made application to the Daws Commission for enrollment of himself and minor children, at Colbert, I.T. on the 20th day of June 1900. Also affiant says that he knows John P. and B.C. Benson the brothers of W.C. Benson to be the same persons that he knew in Mississippi, and the persons that made application to the Daws Commission for enrollment as Mississippi Choctaw Indians on the 20th. day of June 1900/ for themselves and minor children.

L. K. Cleavland
Subscribed and sworn to before me this the 13 day of July, 1900.

H. W. Attaway
Notary Public.

Copy of original affidavit in case of W. C. Benson et al

COMMISSIONERS
HENRY L. DAWES,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chootaw No. R-324

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1903

In the matter of the application of
Sallie Weaver for the enrollment of
herself as a citizen by blood of the
Chootaw Nation. }

To Sallie Weaver,

Jackson, Indian Territory.

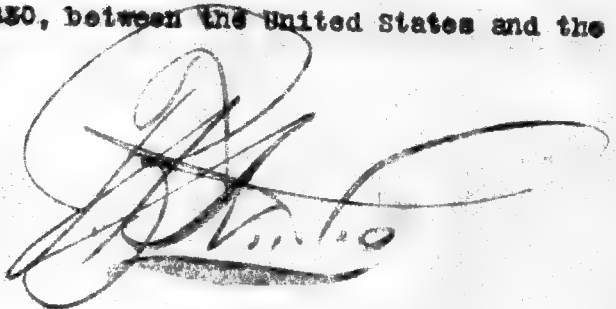
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Chootaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Chootaw Indians claiming rights in the Chootaw lands under article fourteen of the treaty between the United States and the Chootaw Nation, concluded September twenty-seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a descendant of Chootaw Indians who resided in the state of Mississippi

S. W., 2,

in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is positioned to the right of the main text block.

Commissioner in Charge.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie Weaver as a citizen of the Choctaw Nation.

DECISION.

It appears from the record in this case that Sallie Weaver appeared before the Commission at South McAlester, Indian Territory, on November 14, 1899, and made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It does not appear from the evidence in this case or the records of this Commission that the applicant herein has ever been recognized or enrolled by the tribal authorities of the Choctaw Nation; neither does it appear that she has ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said Nation; nor does it appear that she has ever been admitted to citizenship in said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321); nor does it appear that she has ever been lawfully married to a duly recognized and enrolled citizen of the Choctaw Nation.

It does not appear that this applicant was a resident in good faith of Indian Territory on June 28, 1898, or that she ever resided therein until her removal thereto in the fall of 1899.

For the purpose of protecting any rights the applicant herein might have as a Mississippi Choctaw under the following provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), viz:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on February 19, 1902, notified by registered mail that she would be allowed thirty days from that date within which to set forth that she claimed for herself the right to identification as a Mississippi Choctaw. A copy of said notice is at-

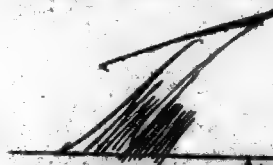
Sallie Weaver, --


2

attached hereto and made a part of the record in this case. No response to said notice has been made by or on behalf of the applicant.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sallie Weaver as a citizen of the Cherokee Nation should be denied under the provisions of section 21 of the Act of Congress approved June 25, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 31 1903


COMMISSIONER.

COPY.

Muskogee, Indian Territory, July 31, 1903.

Sallie Weaver,

McAlester, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this date transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Register.

Enc. NEW 41/31

COPY.

Muskogee, Indian Territory, July 31, 1903.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Sallie Weaver as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Enc. NEW 42/31

COPY.

Muskogee, Indian Territory, July 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sallie Weaver as a citizen of the Choctaw Nation, including the decision of the Commission dated July 31, 1903, denying said application.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

Choctaw R-384
Through the
Commissioner of Indian Affairs.

(COPY)

D.C. 27344

I.T.B. 6668-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

W.C.F.

FHE

September 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 31, 1903, you transmitted the record in the case involving the application for the enrollment of Hallie Weaver as a citizen of the Choctaw Nation, including your decision of the same date denying her application.

The evidence furnished by the record is insufficient to show whether or not the applicant has ever been enrolled or admitted to citizenship in the Choctaw Nation by any duly constituted legal authority. The record contains several affidavits relative to a family by the name of Benson, but fails to show that the applicant is connected in any way with the said family of Benson.

The evidence of the applicant does show, however, that she had never lived in the Indian Territory prior to about November 1, 1899.

The applicant was notified on February 19, 1902, that thirty days would be allowed in which to make application for identification as a Mississippi Choctaw. No response was received to said notice.

Reporting in the matter September 5, 1903, the Commissioner of Indian Affairs recommends that your decision be approved.

A Copy of his letter is inclosed.

-2-

Inasmuch as the applicant did not remove to and in good faith settle in the Choctaw Nation prior to June 28, 1898, the Department considers that your decision is correct and the same is hereby affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

(COPY)

Land.

50061-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Sept. 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Sallie Weaver for the enrollment of herself as a citizen of the Choctaw Nation.

On July 31, 1903, the Commission rendered a decision in this case, finding that it does not appear from the evidence or from the records of the Commission that this applicant has ever been recognized or enrolled as a citizen of the Choctaw Nation by any duly constituted legal authority. It further appears from said decision that this application was made on November 14, 1899. Said Commission further finds that the applicant was not a resident in good faith of the Indian Territory on June 28, 1898, or that she ever resided therein until her removal thereto during the fall of 1899. It also appears from said decision that the applicant was notified on February 19, 1902, by registered mail, that she would be allowed thirty days from that date within which to set forth that she claimed for herself the right to identification as a Mississippi Choctaw,

but that no response was ever made to said notice.

By reason of the foregoing the Commission is of the opinion that this application should be denied under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats. 495).

The office has examined the record evidence and considers that the finding of the facts in said decision of the Commission is supported thereby, and therefore recommends that said decision be affirmed by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

WCB/LKS.

Choctaw-R-324

COPY.

Muskogee, Indian Territory, October 10, 1903.

Ballie Weaver,

McAlester, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of September 23, 1903, affirmed the decision of this Commission, dated July 31, 1903, refusing your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

COPY.

Choctaw-R-324

Muskogee, Indian Territory, October 10, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of September 28, 1903, affirmed the decision of this Commission, dated July 31, 1903, refusing the application made by Sallie Weaver for the enrollment of herself as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

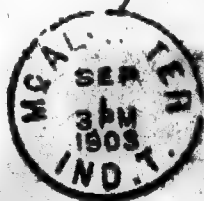
Chairman.

Department of the Interior.

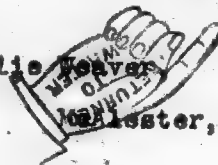
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Sallie Fowler



Leicester, Indian Territory.

UNCLAIMED

Address Unknown

SEP 1 - 1903

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125

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10715

118-324

R 325

Smuch Welch

FOR THE
A MISSISSIPPI CHOCOLATE.

REFER TO M. C. R. # 6331

Choe. R. 326

Lucy Welch

R. 326

DECISION FORWARDED MAY 19
APPLICANT

FORWARDED
CHOCOTAW AND
CHICKASAW

MAY 19

FORWARDED DEPARTMENT MAY 19

326

APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

DEPARTMENTAL
APPROVED APPLICANT

JUL -1 1902

OFFICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCOTAW
AND CHICKASAW NATIONS.

JUL -1 1902

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of Lucy Welch for enrollment as a Choctaw;
being sworn and examined by Com'r McKennon she states:

Q What is your name? A Lucy Welch.

Q How old are you? A Thirty-six.

Q Have ever you been on the Choctaw roll? A No sir, not as
I know of.

Q Your father and mother ever on the Choctaw roll?

A Not that I know of.

Q Where are you living? A In the Territory.

Q When did you come to the Territory? A Fifteen years ago.

Q Where from? A Texas.

Q Did you make application to the Dawes Commission in 1896?

A No sir, not as I know of.

Q Don't know of anybody making application for you? A No sir.

Com'r McKennon: Enrollment is refused.

(Apparently white.)

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

1-2-1904

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucy Welch for the enrollment of herself as a citizen of the Cherokee Nation.

DECISION.

The record in this case shows that the applicant, Lucy Welch, appeared before the Commission at Santa Fe, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Cherokee Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Cherokee Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Cherokee Nation, nor does her name appear upon any of the tribal rolls of the Cherokee Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Cherokee citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the record in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in an

accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 25, 1896, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 15th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 25, 1896, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 321) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Lucy Welch is not lawfully entitled to be enrolled as a member of the Cheetaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

MAY 19 1902

COPY

Mustang, Indian Territory, May 19, 1906.

Lucy Wilson,

Seneca, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Cherokee nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the decision is forwarded to you.

Very truly,

T. A. C. C. C.

Acting Chairman

Enclosure.
Registered.

COPY

7 2 105

Muskogee, Indian Territory, May 10, 1902

Mansfield, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lucy Welch, as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

12-1-102

1 enclosure.

Acting Chairman.

COPY

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Lucy Welch for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission dated May 19, 1902, refusing the application for the enrollment of Lucy Welch as a citizen of said nation.

Respectfully,

(SIGNED) *Tamc Dixby.*

1 enclosure.

Acting Chairman

Through the Commissioner
of Indian Affairs.

Land.
30969-1902.

Department of the Interior.
Office of Indian Affairs.

Washington June 12, 1902.

The Honorable,
The Secretary of the Interior,

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Lucy Welch for enrollment as a Choctaw citizen. The Commission refused to enroll her.

This applicant has never been enrolled or recognized as a Choctaw, and it would therefore appear that she was not entitled to enrollment under the existing law.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. Q. TONNER,

Acting Commissioner.

R. B. B.

L.

JOPY.

D.C. 19528-1902.

Department of the Interior.

I.T.D. 3707-1902.

L.R.S.

Washington June 19, 1902.

Commission to the Five Civilized Tribes;

Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Lucy Welsh as a citizen of the Choctaw Nation. You refused this application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Cherokee 2 1894.

Washkago, Indian Territory, July 1, 1908.

Lucy Welch,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Cherokee Nation.

Yours truly,

(SIGNED).

I. B. Needles.

Commissioner in Charge.

COPY.

Chester R 226.

Bankage, Indian Territory, July 1, 1902.

Manfield, McMurrag & Cornish,
Attorneys for the Cheatew and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Lady Walsh for the enrollment of herself as a citizen of the Cheatew Nation.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Reg 385-

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



UNCLAIMED.

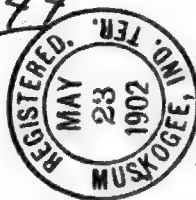
Lucy Welch,

~~South McAlester,~~

Indian Territory.

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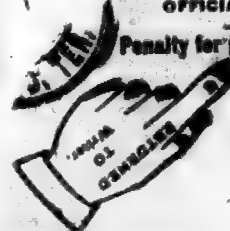
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



UNCLAIMED.

Lucy Welch,

~~South McAlester,~~

Indian Territory.

7849

Choc. R. 327
Frank Whitson

R. 327

CHOCTAW NATION
In the matter of the application
of Frank Whitson, et al., for enroll-
ment as citizens by blood of the Cho-
ctaw Nation and for the enrollment of
Harriet Whitson as a citizen by inter-
marriage of the Choctaw Nation.

REFUSED. MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED MAY 9 1902
ATTORNEY FOR APPLICANT.

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT.

MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

IN THE MATTER OF THE APPLICATION OF
FRANK WHITSON, ETAL. FOR ENROLLMENT
AS CITIZENS BY BLOOD OF THE CHOCTAW
ACTION AND FOR THE ENROLLMENT OF HARRIET
WHITSON AS A CITIZEN BY INTERMARRIAGE OF
THE CHOCTAW NATION.

Commission to the Five Civilized Tribes,

McAlester, I.T., Nov. 15, 1889.

In the application of Frank Whitson for enrollment as a Choctaw; being sworn and examined by Com'r McKenney he states:

Q What is your name? A Frank Whitson.

Q How old are you? A Thirty-six.

Q Where do you live? A At Hartshorne.

Q How long have you lived there? A Over five years.

Q Where did you come from there? A I come from the State of Arkansas.

Q How long had you lived there? A Most all of my life ever since I was about three years old.

Q Where were you born? A I suppose I was born on Guinea Creek, in the Choctaw Nation.

Q Why do you say you suppose that? A I don't know where I was born, because I was taken away when I was pretty young; my father died.

Q You have lived in Arkansas ever since you were three years old?

A Yes sir, except one time I lived here in the Nation four years, that was in 1874.

Q You came here in 1874 and went away when? A I came here in 1874 and went away in 1878.

Q Have ever you been on the Choctaw rolls? A No sir, I guess not.

Q Your father and mother ever been on the Choctaw rolls? A My mother has.

Q When? A If there was any rolls in that time she was on the rolls.

Q When did she die? A Sometime in 1880 or 1881.

Q Where? A I couldn't exactly tell you.

Q Where was the family living then? A She was living here in the Choctaw Nation some place, but I don't know where.

Frank Whitson (A)

Q When she died? A Yes sir. A white man raised me.

Q You don't know then whether your mother was ever on the rolls?

A No sir.

Q Com'r McKimmon? She is not on the rolls we have in our possession now.

Q Did you apply to the Texas Commission in 1896? A No sir.

Q Did you ever apply to the Land Office Council? A Yes sir.

Q Did they reject you? A They must set it aside for the Commissioners to act on, and they rejected me last year.

Q When did you make application to them? A Two years ago I think, two or three years ago.

Q Did you appeal to the United States Court then? A No sir.

Q There was no appeal taken from that judgment? A No sir.

Q Have you been living continuously in the Nation for five years?

A Yes sir.

Q Have you got a family? A Yes sir.

Q What's your wife's name? A Harriet.

Q How old is she? A Twenty-nine.

Q Is she a white woman? A Yes sir.

Q How many children have you? A Three.

Q What's their names? A William Whitson, fifteen years old; Dolly Whitson, twelve years old; Jesse Whitson, nine years old.

Q What degree of blood do you claim? A About one-half.

Q How do you claim that? A From my mother.

Q What degree of blood had she? A She was called a full-blood, I don't know whether she was or not.

Q What was your mother? A ^{father} A white man.

Q Did your mother live in the State of Arkansas too? A No sir, not as I know of.

Q You didn't live with her? A No, not from the time I was quite small; I suppose I was two or three years old when I was taken away from her.

Frank Whitson #3)

Q Did she give you to some one else? A I don't know whether she gave me to my uncle, or whether he just went and got me.

Q He was a white man? A Yes sir.

Q And he raised you in the State of Arkansas? A He raised me until he died, - he died when I was about ten years old and he gave me to another white man named White.

Q Have you made a full statement of the facts of your case?

A I think so.

S.B. Lewis being sworn and examined states:

Q What is your name? A S.B. Lewis.

Q How old are you? A Fifty-eight. (Choctaw Commissioner.)

Q Statement:

This man Frank Whitson had been enrolled by the first Board that went out; had been put on our roll, and we notified him to appear before us at Wilburton, and I was the Chairman of the Board, there was five of us; that was the second board; and we rejected him. We hunted up evidence in regard to his mother, as to a party who he said was his mother, and got evidence that the child he claimed to be had died; this woman he claimed as his mother was a full-blood Indian who used to live near Hartshorne, and from the evidences of old parties who lived there it seems she did have a child, but it lived to be about eight years old and died. After that, in 1897, he applied to the Choctaw Council, but didn't particularly apply to be admitted, but I think the way the petition read he had been overlooked and wasn't enrolled, and I went before the committee and stated to them that it was no oversight, that we simply rejected him, and they also sent him back to our last board that was to meet, and he came before us again at Red Oak and the Board rejected him again. It was 1897 when he was before the Council, but I don't think he was there as an applicant, but merely stated that he had been overlooked in the registration, I think

Franklin D. Roosevelt

that is the way the nation runs

to have the majority of the nation that we have at that
time.

Walter Lippman, Brooklyn, N.Y.

Department of the Interior

Commissioner of the General Land Office
I hereby certify, and my office and its
members to this record of the land
records is a true and correct translation of
my demographic notes.

M. S. [Signature]

Commission to the Five Civilized Tribes,

McAlester, P.T., Nov. 17, 1899.

In the application of Frank Whitson for enrollment as a Choctaw; ~~and~~ Yimmetsone Bond being sworn and examined by Com'r McKennon states:

(Joe Gardner, Interpreter)

Q What is your name? A Yimmetsone Bond.

Q How old are you? A She says she was fifteen years old at the time of the emigration from Mississippi; she was at the treaty of Dancing Rabbit Creek, and was about fifteen years old then. [That would make her eighty-four years old.]

Q You are a full-blood Choctaw Indian are you? A Yes sir.

Q You speak the Choctaw language? A Yes sir., she says she don't understand English at all.

Examined by Chas Com'r Lewis:

Q Ask her if that old lady, Shawihoma's wife, didn't have a ~~white~~ child about the time that the war ~~ended~~? A Yes sir, she said she did have one child just about during the war, and it was just about a year old; she said that her husband was the father of that child; she says it died, and she saw it dead; it died when it was about a year old; it was a boy child, and was a full-blood Indian.

Q Did she ever have a child by a white man? A No, she never had any more children but that one.

Q Ask her if that woman ever did have a child by a white man? A No sir, she says she has heard it reported that they claim that was a white man's child, but it wasn't; she says it was a full-blood Indian child; she says that woman was her younger sister, the woman who had this child.

Q Ask her if that old lady had two names, did they call her Panshihoma sometimes? A She said, they called her Panshihoma sometimes; that was a nickname for her because she had red hair; her name was Niotema.

Frank Whitson - Yimotana Bond, witness- (2)

Q. Ask her if the old lady didn't want her to give that child some property when Bond first died? A. She says that Bond was in the Army and got very sick, and that they heard that he was pretty near dead, and that Giotama claimed that the old man had sent word to her that that child is mine, if I did tell the old lady to give it some property, but she said she told her that property was hers and she wouldn't divide. She said she didn't recognize that child, - that the property was hers.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. J. [Signature]

Commission to the Five Civilized Tribes,

McAlester, I. T., Nov. 17, 1898.

In the courtship of Frank Whitson as a Choctaw; William Bee being sworn and examined by Com'r McKenna states:

Q What is your name? A William Bee.

Q How old are you? A Forty-seven.

Examined by Atty. Foster:

Q Did you know Frank Whitson and his mother in his childhood?

Q Yes sir.

Q What was her name? A Hiotema.

Q Had she another name? A Yes sir, they called her Pashanoma, because she had red hair.

Q Did you know Frank when he was a baby? A Yes sir.

Q Where did he and his mother live? A Close to Gaines Creek.

Q How long did you know her? A I don't know, I knew them maybe three months.

Q Tell the commission all about how you went away and how you missed the boy and all of those circumstances you have described to me?

(Choc Com'r Deke, Interpreter:)

A He says Whitson's mother was his mother's sister.

Q Ask him whether Whitson's mother was a Choctaw woman or not?

A He says yes, she was. He says Frank's father was a white man; he says he was a freighter, that he travelled across this country; he says there was two roads and he used to travel both of them; one went from Stringtown to Fort Smith and one went across Gaines Creek about where the Choctaw Railroad Bridge is; said he used to travel that and stop at that place.

Q Ask him when the war broke out and he moved away where did he move to and what became of Frank Whitson's mother and how soon after that did he see her again?

A He says time of the war when they was going to refugee Frank's

Frank Whitson - William Lee witness - 28

mother was going with them, but for some cause she got delayed and didn't go off with them and they went on by the river and she went to some other point.

Q When he came back and saw her again let him tell what took place with reference to the child, - first ask him what they called the child as to being a Yankee boy, or something like that.

A He says the boys used to "guy" him and call him a Yankee Boy.

Q Ask him how many children she had and what names of them all.

A She had three, he says.

Q Ask him to tell whether they were boys or girls. A He said she had a girl that was married, and then she had a boy about eight years old, and had an infant.

Q Ask him who that infant was, whether that is the Frank Whitson that is applying here? A He said it was that man's red haired woman's child by that white passenger freighter.

Q Ask him if any of these children died, and if so, how many.

A Said the eight year old boy died with the smallpox.

Q When he came back after having returned, ask him if he saw Dickens or Parshamou, and whether he had any conversation with her about the Yankee child, and what she said. A He said he asked her what became of that child, and she said at first she didn't tell him, says you never cared anything for him and I won't tell you; he says then sometime afterwards I asked her again what became of the child, and she says a person came along that claimed to be his uncle and I let him have him on account of the doctors didn't seem to care anything for him.

Q Did she tell him where the child lived, whether in Fort Smith or elsewhere. A She never said.

Q Ask him how long he has known Frank Whitson since he first knew to be a man. A He says about six years.

Q Where has he been living since he knew him since he grew up. A At Hartshorn.

Frank Whitson- William Lee witness- do)

Q Ask him if the mother told him the name of the woman who took him away? A No sir, she didn't tell him.

Examined by A. Teller:

Q About how long before the War was it that this child, Frank Whitson was born? A He says it was just about the time the War broke out; they refuged twice; they went and came back, and then went the second time.

Examined by Gen'r McKennon:

Q Ask him if he saw him any time after the War until about six years ago? A No sir, he never saw him until six years ago since the War.

Examined by Atty'r Foster:

Q Ask him if he heard of him? A No sir, never heard of him.

Examined by Chickasaw Att'y Cornish, (who appears in behalf of Choctaw Nation, in the absence of Choctaw Att'y Shaskellford:)

Q Ask him how he knows this man to be the child he talks about?

A Says the only way he knew was that Frank came to him and told him that his mother was Ektoma, and that he was once a Choctaw and never had no witnesses to prove his Choctaw blood.

Q Ask him if he knows of his own personal knowledge that this is that child? A He says his features favors the child that went off.

Q Ask him if he knows anything about it except what that man told him and what his lawyer told him? A He says he is persuaded by God to tell what he has told.

Examined by Choc Com'r Lewis:

Q Didn't that old woman have one child by Robert Bond? A Yes sir.

Q Did she have any sisters except your mother? A Yes sir, she had a half-sister.

Q What kin was Mrs. Bond to her? A (He answers)

Q Teller: Ask him if he knows Timeton? A Yes sir.

Frank Whitson, William Bee, witnesses- 211

Q Ask him if she was the wife of Robert Bond? A Yes sir, legal.
He says that Yimstonah was Robert Bond's legal wife, and he kept this Niotsam as another wife, said the ghost says at that time had a good many wives.

Examined by Don's Movement.

Q Ask what relation was this woman to Yimstonah? A Said they were no kin.

Examined by A. Teller.

Q Ask him if this man Frank is older or younger than the other boy that Niotsam had, Robert Bond's child? A He says Frank is younger.

Q Ask him when Niotsam died? A At Rolling Spring.

Q Ask him if she lived near Yimstonah at the time of her death?

A No sir he says they lived about eight miles apart.

Examined by Chas. Chas. Lewis.

Q Didn't she live right here on this Blue Creek right this side of Hershberger? A Yes sir, after the war she lived here on Blue Creek just this side of Hershberger.

Questioned by Atty. General.

Q Ask if this boy wasn't born just before the war and if it isn't true that just as the war broke out they were married? (No answer.)

Questioned by Chas. Don. Lewis.

Q You say this freighter made to travel on this road that comes by Stringtown now, that goes around by Mountain Station? A Yes.

Q Then where was this other road that you speak of? A He says there was an old fellow lived right back of the bridge close to the bridge, and had a good deal of property, and he said he would go down the other road, and on his way back he would go by there and sleep with that old fellow.

Q Do you know who lived there at the bridge, what place was that, was that it or not? A He says that old fellow

Frank Whitson, William H. H. witness 267

there after the war; he says he has always understood that Davis Pasley was killed about a half-mile beyond that place.

Charles Sanders, being sworn and examined, states:
Examined by Attorney Foster:

Q What is your name? A Charles Sanders.

Q What is your age? A Sixty-six.

Q What is your post-office? A Hartshorne.

Q Are you acquainted with Frank Whitson? A Yes sir.

Q How long have you known him? A I have known him since about 1867.

Q Did you know Jesse Whitson, his uncle? A Yes sir, I worked for him.

Q Do you know C. E. Whitte? A Yes sir, he and Jesse and Doctor Whitte worked together, that was in 1867 and 1868.

Q You were working for the Government? A Yes sir.

Q Don't you know where? A Fort Smith.

Q Foster: What do you know, if anything, about Jesse Whitson uncle of Frank Whitson, coming to the nation after an infant child? A All I know I think is when he came on land, Jesse said he was going to get a mule in a few days and go up in the nation and get after a boy, Frank, that was up there, and a few days after that he got a mule and went up in the nation and was gone about ten days and brought this boy Frank Whitson back with him.

Q Did he say who was Frank's mother, whether she was an Indian?

A No sir, I didn't know anything about that.

Q What reason did he give about going after the boy? A He said he had been treated bad by those who had him, and he was going to bring him to Fort Smith.

Q Did he say anything about the relationship of himself to the boy? A He said he was Frank's uncle.

Frank Whitson - Charles William Whitson (46)

Q Did you know George Whitson at any lifetime? A Yes sir.

Q Was he there at the time that Jesse Whitson went over there after him? A I don't recollect whether he had or not.

Q Have you known this Frank Whitson ever since he was brought there to Fort Smith at that time? A Yes sir.

Examined by Chas. Cam'r. Lewis:

Q Did you know this boy when P.C. White was living here on - - - the ranch? A No sir. I never knew him until they brought him to

Fort Smith. Q What time was that? A That was in 1867 I think.

Q Didn't White run this ranch out here about 1874 or 1875?

A I don't know. I worked with him in Fort Smith and he used to team on this road right through this town before there was a town here at all.

Examined by A. Telle:

Q Who was claimed to be his father? A I couldn't tell you. I don't recollect, I don't know anything about that part at all. This man that claimed that his brother was the father of Frank

Department of the Interior

General Land Office
Washington, D.C.

W. H. H. H.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frank Whitson for the enrollment of himself and his three minor children, William Whitson, Dolly Whitson and Jesse Whitson, as citizens by blood, and for the enrollment of his wife, Harriet Whitson, as a citizen by intermarriage of the Cheate Nation.

--- DECISION :--

The record in this case shows that the principal applicant, Frank Whitson, appeared before the Commission at South McAlester, Indian Territory, on November 18, 1899, and then and there made personal application for the enrollment of himself and his three minor children, William Whitson, Dolly Whitson and Jesse Whitson as citizens by blood, and for the enrollment of his wife, Harriet Whitson, as a citizen by intermarriage of the Cheate Nation, and thereafter, on November 19, 1899, at the same place, additional evidence was taken in support of said application.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Che-

(2).

the Nation in the possession of the Commission, that the applicants have never been enrolled as citizens of the Chectaw Nation, nor do their names appear upon any of the tribal rolls of the Chectaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Chectaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that these applicants have never been admitted to citizenship in the Chectaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

Neither does it appear that Harriet Whitson, for whom application is made as an intermarried citizen of the Chectaw Nation has ever been married to a recognized and enrolled citizen of that Nation.

For the purpose of protecting any rights the applicants might have as Mississippi Chectaws under the provisions of the twenty-first section of the act of June 25, 1896, (30 Stats., 493), as follows:

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant was, on the 19th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right for himself, his wife and children to identification as Mississippi Chectaws. A

(3).

copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

The act of Congress of June 28, 1898, (30 Stats., 498) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.


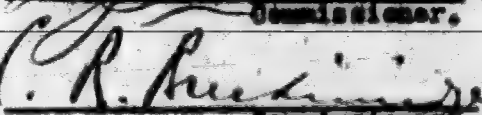
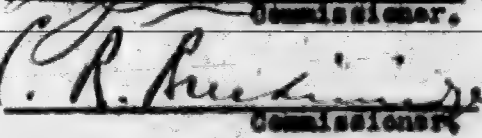
The act of Congress of May 31, 1900, (31 Stats., 221) provides.

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Frank Whitsen, William Whitsen, Dolly Whitsen, Jesse Whitsen and Harriet Whitsen are not lawfully entitled to be enrolled as members of the Choctaw Tribe of Indians in Indian Territory, and that their application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,


Acting Chairman.

Commissioner.

C. R. Buckner
Commissioner

MAY -9 1902

Choctaw R 327

COPY.

McKee, Indian Territory, May 9, 1902.

Frank Whitson,

Hartshorne, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your three minor children, William, Dolly and Jesse Whitson and your wife, Harriet Whitson, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

Enc Y B

Register.

Chectaw R 327

COPY.

Muskogee, Indian Territory, May 9, 1902.

Townsend N. Foster,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank, William, Dolly, Jesse and Harriet Whitson, as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Enc Y 7

Register.

Choctaw R 227.

COPY.

Muskogee, Indian Territory, May 9, 1903.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank, William, Dolly, Jesse and Harriet Whitson as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*
Commissioner in Charge.

Enc Y 6

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Frank Whitson for the enrollment of himself, his ~~two~~ minor children, William, Dolly and Jesse Whitson and his wife, Harriet Whitson as citizens of the Chectaw Nation, including the decision of the Commission, dated May 9, 1902, refusing the application for the enrollment of Frank, William, Dolly, Jesse and Harriet Whitson as citizens of said nation.

Respectfully,

(SIGNED) *T. B. Needles.*
Commissioner in Charge.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

6

Land
BB-240-1902.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Washington. June 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and testimony in the matter of the application of Frank Whitson for the enrollment of himself and his minor children, William, Dolly and Jesse Whitson, as citizens by blood, and for the enrollment of his wife, Harriet Whitson, as a citizen by intermarriage of the Choctaw Nation.

From the record and testimony it appears that none of the applicants were ever enrolled, admitted or recognized as Choctaw citizens.

It is the opinion of this office that the decision of the Commission refusing to enroll the applicants herein was correct, and I respectfully recommend that said decision be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(E.S.S.) P.

COPY.

34077

P.

10029-1902.

DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D. 3495-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 9, 1902, you transmitted the record in the matter of application for enrollment of Frank Whitson and his children, William, Dolly and Jesse Whitson, as citizens by blood, and Harriet Whitson, his wife, as a citizen by intermarriage of the Choctaw Nation. You refused the applications because they have never been enrolled or admitted as citizens of said nation. A copy of the Acting Commissioner of Indian Affairs' letter of June 3, 1902, recommending approval of your decision, is enclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

E.M.D.

1 enclosure.

COPY.

7 2 227

Muskogee, Indian Territory, June 23, 1908.

Frank Whitson,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1908, affirmed the decision of the Commission, dated May 12, 1908, refusing the application made by you for the enrollment of yourself, your three minor children, William, Dolly and Jesse Whitson, and your wife, Harriet Whitson, as citizens of the Choctaw Nation.

Yours truly,

I. B. Needles.

(SIGNED).

Commissioner in Charge.

COPY.

7 E 329

Muskogee, Indian Territory, June 23, 1902.

Townsend H. Foster,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission dated May 9, 1902, refusing the application made by Frank Whitson for the enrollment of himself, his three minor children, William, Dolly and Jessie Whitson, and his wife, Harriet Whitson, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

7 2 227
COPY:

Waskogee, Indian Territory, June 25, 1902.

Winnfield, McMurray & Cornish,

Attorneys for the Cheatew and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application of Frank Whitson for the enrollment of himself, his three minor children, William, Dolly and Jessie Whitson, and his wife, Harriet Whitson, as citizens of the Cheatew Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Empty

Choc. R. 329

Mary P. White

R. 329

R-329

Mary P. White

DECISION RETURNED

RETURNED

COPY OF DECISION FORWARDED
APPLICANT

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

FEB 1 1906

CORD FORWARDED DEPARTMENT.

FEB 17 1906

Apr 5-1906 Commission's decision of Feb 17
1905 is set aside by the Department (250.
2152-1905) the record returned and
further investigation ordered.

April 16-1906 Case set for hearing at
Muskogee on May 10-1906 at nine o'clock
A.M. and all parties of interest advised there-
of -
Jan. 17, 1907. Report made to Dept
and record returned

ACTION APPROVED BY
SECRETARY OF INTERIOR. MAR 1 - 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 2 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAR 2 1907

Connections & relations with the
under signed the Commission
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HOCTAW

DEPARTMENT OF THE INTERIOR
OFFICE OF
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES
MUSKOGEE, OKLAHOMA

THIS IS TO CERTIFY THAT I AM THE OFFICER HAVING
CUSTODY OF THE RECORDS PERTAINING TO THE ASSESS-
MENT OF THE MEMBERS OF THE OKCTAW, CHICKASAW,
MUSKOGEE, CREEK AND SEMINOLE TRIBES OF INDIAN
AND THE DISPOSITION OF THE LAND OF SAID TRIBES.
WHAT THE ABOVE AND FOREGOING IS A TRUE AND COR-
RECT COPY OF a portion of petition of William Hall
sworn to before Notary Public November 7, 1895,
showing the age of Zula White as of that date.

Area Director
W. C. [Signature]
By [Signature] Clerk
In charge Five Tribes records

MAY 10 1950

This is to certify that the foregoing
is a true and correct copy from
the original application is now
filed in my office at Jackson
Mississippi the Capital of the State of Mississippi

the 1st day of November A.D.

J. B. Jackson
Notary Public
Jackson, Miss.

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the application of Mary P. White for enrollment as a Cheetaw, being sworn and examined by com'r McKennon she testifies:

Q What is your name? A Mary P. White.

Q How old are you? A Forty-five.

Q How long have you lived in the Cheetaw Nation? A Twenty-six years.

Q Where did you come from? A Texas.

Q What was your father's name? A William Hall.

Q Where did he die? A In Texas, out towards San Antonio.

Q He never lived in the Territory? A Yes sir, he was raised in the Territory.

Q How long did he live in Texas before his death? A I don't know; he was living there ever since I could remember.

Q How long since he died? A I cannot tell you, I have forgotten.

Q How old were you when he died? A I was going on eleven years old.

Q Were ever you admitted by any Act of council? A No sir, they admitted us down there to draw the money.

Q Cho a Com'r Lewis: Did you draw money? A No sir, I never did try to draw.

Q Com'r McKennon: You have never drawn any money? A No sir, I never tried.

Q When were you first put on the roll? A In 1896.

Q That is the first time you were ever put on the roll?

A Yes sir, that is the first time I ever tried.

William Harkins being sworn and examined testifies:

Q What is your name? A William Harkins.

Q How old are you? A Thirtyseven.

Q Do you know Mary P. White? A Yes sir.

Q Do you know wheth r or not she has ever been admitted to citizenship in the Choctaw nation? A No sir, she has not been admitted.

Q You were her attorney in an effort to have her admitted?

A No sir, to represent her before the Revisory Board to draw money.

Q Did you draw her money or not? A No sir, if her son had got there two hours earlier I would have drawn it, but he failed to get there and I didn't get the license and couldn't draw the money.

Q Was she a recognized citizen? A No sir. They claimed to be; they were related to William Hall.

A. Telle being sworn and examined testifies:

Q What is your name? A A.Telle.

Q How old are you? A Thirty-nine.

Q Do you know Mary P. White? A I am not acquainted with her.

Q Do you know whether she was ever admitted by the Choctaw Council? A Yes sir.

Q Was she or was she not? A She was not.

Q Was she ever enrolled before 1896? A I think not. I looked into the matter, and she is a sister of William Hall and Galdonia Burris, and they wanted me to make application to the Choctaw Council to have them admitted as citizens, and gave me the names of witnesses that I might use, and on investigation and talking with Patsy Hall, widow of a brother of the man they claimed from, I found there was no witness I could get, and I dropped it.

Q They claimed they were children of William Hall?

A Yes sir, and that he was a brother to Perry Hall.

Q Did you ascertain whether or not he had children? A She said he had no children.

Mary P. White, A. Telle witness #3)

Q That was his sister? A Yes sir. That his last wife, was possibly living, if she was she would be a very old woman.

Davis Homer being sworn and examined testifies:

Q What is your name? A Davis Homer.

Examined by Choctaw Att'y Shackelford:

Q You were attorney for Mary P. White? A Before the Choctaw Commission, yes sir.

Q What office did you hold for the nation at the same time?

Q I don't know as I was holding any office at all.

Q You are representing the nation on the commission weren't you? A No sir.

Q Tell us how you got their names there on that book?

A As an attorney, and through a petition and affidavits.

Q Who put those names down there? A The Choctaw Commission.

Q Was Judge Lewis a member of it? A No sir. It was Emerson Wilson, Charles LeFlore and Martin Charleston.

Q Didn't you tell Judge McKennon awhile ago that you were acting in two capacities at the time? A I don't think I did.

Q What connection did you have with that committee? A Not anything more than an attorney.

Q You copied the rolls after that, or had them copied?

A I had them copied. I think it was certified by Sam Downing, he was county clerk at the time.

Q You directed those names to be put on there? A In my application I did, yes sir.

Chief McKennon: You having been placed on the roll in 1896 and never having been admitted to citizenship by the constituted authorities of the government authorized to admit persons to citizenship, you were placed upon the roll in 1896 without authority of law, and your enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of the foregoing proceedings.
J. M. [Signature]

Muskogee, Indian Territory, February 19, 1902.

In the matter of the application of
Mary P. White for the enrollment of
herself as a citizen by blood of the
Choctaw Nation.

To Mary P. White.

Atoka, Indian Territory.

You are hereby notified that you will be
allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under
the act of Congress of June 22, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a
descendant of Choctaw Indians who resided in the state of Mississippi.

U. S. A.

in 1850, and that year upwards, such persons being, supplied
or attempted to comply with the provisions of the fourteenth article
of the treaty of 1819, between the United States and the Mexican
Nation.

Commissioner in Charge.

Register.

EXHIBIT

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T. February 10, 1903.

In the matter of the enrollment of certain persons as citizens of the Choctaw Nation whose names are found upon the 1896 census roll of the citizens of the Choctaw Nation furnished the Commission to the Five Civilized Tribes and whose enrollment is claimed to have been without authority of law, the names of said persons having been placed upon the 1896 census roll by a so called revisory board after September 10, 1896, the time when the jurisdiction of the Choctaw Nation to admit and enroll persons as citizens of that tribe expired.

Melvin Cornish appearing for Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations:

Simon H. Lewis, called as a witness, after being first duly sworn testified as follows.

Examination by the Commission

- Q What is your name? A Simon H. Lewis.
Q What is your age? A Sixty-two.
Q What is your post office address? A McAlester.
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.
Q Have you ever held any official positions in the Choctaw Nation?
A Yes; I have been Circuit Judge; District Attorney; District Collector and I was chairman of the census enumerators in the first district and also acted as one of the revisory board in revising the census.
Q That was in 1896; in the preparation of the 1896 census roll?
A Yes; I am Chairman of the present Choctaw citizenship Commission.

Examination by Mr. Cornish.

- Q Judge Lewis, I will ask you if you have to-day made an examination of what purports to be the 1896 census roll of the citizens of the Choctaw Nation furnished the Commission to the Five Civilized Tribes? A Yes, sir.
Q I will ask you when the list of names, this day designated by you, and appearing in the face of your testimony, were first placed upon this roll and under what circumstances?

A In September 1896 the General Council of the Choctaw Nation was called in special session and an act passed creating a board of census enumerators to make up a census roll of the recognized citizens of the Choctaw Nation. I was a member of the Commission appointed for the Chickasaw District of the Choctaw Nation. The first act was passed and approved on September 18, 1896 and provided that Commissioners should be appointed to enroll all recognized citizens of the Choctaw Nation. Report was made to the regular session of the Choctaw Council by this Commission but by reason of inactivities in their work it was deemed best to pass another act creating another Commission, which was done. This act was passed and approved on October 30, 1896. All of the citizens of the Choctaw Nation and their names were placed upon what purports to be the 1896 census roll only in pursuance and under the provisions of the acts of September 18, 1896 and October 30, 1896. Some of these names were placed upon the temporary rolls of the census enumerators and some of them placed on the roll in the first instance by what was known as the revisory board created under the second act above referred to; and some of them, some sixty-three in number, were added by one A. R. Durant, who took the temporary roll of the third district to Paris, Texas, he being chairman of the revisory board, without the co-operation, knowledge or consent of the other members of the revisory board.

By the Commission:

- Q Judge, who were the members of the revisory board? A A. R. Durant was the chairman and Ben Watkins was from the second district and myself from the other.
- Q How many members did the act provide to constitute that board? A Three.
- Q When was that board to meet? A They were to meet under the act on the first Monday in December 1896; that is I assisted M. B. Ainsworth in drafting the bill but they held the bill up so long in the Council that it held us over until December. The second district had seven counties and it took them way along in December until they got through.
- Q How much time under the act creating the revisory board was granted the members in which to perform their official acts? A They were allowed a week in each county.
- Q That was the enumerators? A Yes; and ten days to revise.
- Q The revisory board did not meet the first Monday in December as provided by the act? A No, sir.
- Q When did they first meet? A It was about the 22nd of December.
- Q How long was the board in session? A I think they stayed there three days and adjourned until the first Monday in January.
- Q Did they reconvene in January? A Yes, sir.
- Q How long were you in session then? A We served out the other seven days.
- Q How after the adjournment of the second meeting the work of the revisory board as authorized by the act was completed? A Yes; we completed it.
- Q How were the names added by the Chairman of the board added after the adjournment of that second meeting? A Some of them before and some of them after.
- Q Did you have any knowledge of the names added by Durant? A No, sir; none only this man Thompson and there were four families, - Ryan, and A. A. Spring, I knew of them.

members of the revisory board? A Yes, sir.

By Mr. Cornish:

Q That is some of them? A Yes; these others I don't know anything about them.

Q These sixty-three? A Oh! they were added after the board adjourned, I don't know when he put them on in fact.--At the regular session of the Council in 1897 an act was passed creating the present citizenship Commission of which I am Chairman whose duty it was to sit with the Dawes Commission and render assistance in making up the final citizenship rolls. Information came to this Commission as to the fact that a great number of names had been added to our roll by the census enumerators and the revisory board above referred to. This Commission also understood that power to admit to citizenship by either the Commission to the Five Civilized Tribes or the tribal authorities expired on September 10, 1896. For the reason that many names had been wrongfully added as above stated and for the further reason that this Commission understood that whether rightfully or wrongfully, their names had been added without authority of law it was decided to go through the roll theretofore made up and note the names of those that has been added. This was done at Red Oak and Atoka by a Commission composed of Green McCurtain, Chairman, myself, Simon E. Lewis and Robert J. Ward from the first district; G. W. Dukes and Robert Taylor from the second district and J. C. Felson and J. C. Hampton from the third. A. Telle of Atoka was secretary of the Commission. Notations were made on the 1896 roll opposite the names of those persons who had been added after September 10, 1896, and from such notations and from my personal knowledge I have taken such names from such rolls and included them in this statement.

G Rosenzinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 10, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenzinkel.

Subscribed and sworn to before me this 11 day of February 1903.

Charles E. Sawyer

(Seal)

Notary Public.

Robert E. Grunert being duly sworn upon his oath states that the foregoing is a true and complete copy of the testimony of Simon E. Lewis taken before the Commission to the Five Civilized Tribes on February 10, 1903, relative to the unrollment of Mary P. White, the original now being on file with the said Commission.

Robert E. Grunert

Subscribed and sworn to before me this 26th day of November 1904.

Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen of the Choctaw Nation of Mary P. White, Choctaw Field No. R-329.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 55 on the South McAlester Docket, in which the said court will decide the question of ~~that~~ compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

MANSFIELD, McMURRAY & CORNISH,
Attorneys for the Choctaw and Chickasaw Nations

January 23, 1904.

Endorsed:

Choctaw R-329.

In the matter of the enrollment of Mary P. White as a citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys.

FILED FEB 6, 1904.

TAMM BIXBY,
Chairman.

7-R-329.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary P. White for enrollment as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the records of the Commission that during the month of December, 1899, Mary P. White, appeared before this Commission at Atoka, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Choctaw Nation.

It does not appear from the evidence submitted in support of said application, and from the records in the possession of the Commission that the applicant herein has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321), nor does her name appear upon any of the tribal rolls of the Choctaw Nation, with the exception of the 1896 Choctaw Census Roll, which enrollment is hereinafter conclusively shown to have been without authority of law.

It appears from the records of the Commission that on September 7, 1896, in the case entitled "William J. Hall, et al., vs. Choctaw Nation," (1896 Choctaw Citizenship Docket, Case No. 532), an application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321), for admission to citizenship in the Choctaw Nation of Mary P. White (as Mary Pauline White, nee Hall), and on December 2, 1896, this Commission rendered its decision therein denying said applicant, from which decision no appeal was taken.

It appears from the record herein that on January 6, 1897, the applicant, as Mary P. White, made application to the so-called board of Commissioners, appointed under an Act of the Choctaw Council, approved October 30, 1896, and was by said board admitted as a citizen by blood of the Choctaw Nation and her name ordered placed upon the Choctaw Census Roll of 1896, being No. 14063. Such application was made subsequent to the rendition by this Commission of its decision of December 2, 1896, wherein the rights of said applicant had been fully adjudicated and had become a matter res adjudicata, having thus been judicially determined, the so-called board of Commissioners of the Choctaw Nation had no authority to again pass upon said application. Furthermore, said board had no legal existence, having been created subsequent to September 10, 1896, the time when the jurisdiction of the Choctaw Nation to admit and enroll persons as citizens of that tribe had expired, as provided in the Act of June 10, 1896, (29 Stat., 321).

For the purpose of protecting any rights the applicant herein might have as a Mississippi Choctaw, under the following provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495).

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant herein was, on February 19, 1902, notified by registered mail that she would be allowed thirty days from that date within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. Said notice was subsequently returned to this Commission unclaimed.

It is the opinion of this Commission that the name of the applicant, Mary P. White, was placed upon the 1896 Choctaw Census Roll without authority of law and should be eliminated and stricken therefrom.

It is further the opinion of this Commission that the application for the enrollment of Mary P. White, as a citizen by blood of the Choctaw Nation, should be denied, in accordance with the provisions of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 17 1905

Choctaw R-329.

COPY.

Muskogee, Indian Territory, February 17, 1905.

Mary P. White,

Atoka, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 17, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

Tams Bixby

Chairman.

Registered.

Incl. R-329.

Chectaw R-329.

COPY.

Maskogee, Indian Territory, February 17, 1905.

Kanefield, McMurray & Cornish,
Attorneys for Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered February 17, 1905, denying the application for the enrollment of Mary P. White as a citizen by blood of the Chectaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Incl. 7-R329.

COPY.

Wankagee, Indian Territory, February 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record in the matter of the application for the enrollment of Mary P. White as a citizen by blood of the Choctaw Nation, including the decision of the Commission of February 17, 1905, denying said application.

Respectfully,

~~SIGNED~~

Tams Bixby.
Chairman.

Through the
Commissioner of Indian Affairs.

2 Incl. 7-B-329

DEPARTMENT OF THE INTERIOR,

Land.

OFFICE OF INDIAN AFFAIRS,

14613-1905.

WASHINGTON.

February 28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 17, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Choctaw Nation by Mary P. White.

February 17, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant has never been enrolled or admitted to citizenship by any legal tribal authority of the Choctaw Nation or by any United States tribunal.

It further appears that on December 2, 1896, the Commission denied the applicant admission to citizenship in the Choctaw Nation and no appeal has been taken from that decision. It is further shown that the applicant has been afforded an opportunity to set forth that she claims right to identification as a Mississippi Choctaw but no such claim has been made.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

M.M.M. (W)

1
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.

WHE.

D.C. 13105-1906.
I.T.D. 2152-1905.

April 5, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

On February 17, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Mary P. White as a citizen by blood of the Choctaw Nation, including its decision of the same date denying said application.

Reporting in the matter February 28, 1905, the Indian Office recommended that said decision be approved. A copy of its letter is inclosed.

It appears that this applicant was born about the year 1854. She has resided in the Choctaw Nation since 1873, removing there to from Texas. Her place of birth is not shown; she states, however, that her father, William Hall, was raised in the Territory and died in Texas. His death occurred when she was between ten and eleven years of age. No evidence was taken showing whether she is possessed of Choctaw blood. The record is silent as to the race and citizenship of her parents. It is inferred, however, that she is of Choctaw blood, and the record indicates that she removed to the Nation prior to reaching the age of 21.

From the decision rendered in the case February 17, 1905,

it appears that this applicant was denied enrollment by the Commission to the Five Civilized Tribes under the act of June 10, 1896 (29 Stat., 521), and that no appeal was taken.

Beyond this statement of the Commission, the present record contains no evidence relative to such action; nor is there anything found in the record which shows that the applicant was notified of the decision of the Commission in time to take the appeal provided for by the statute.

It further appears that the name of this applicant appears upon the 1896 census roll of the Choctaw Nation, where it was placed by the Revisory Committee under the act of the National Council of October 30, 1896. This enrollment gives the Department jurisdiction to determine the rights of the applicant according to the merits of her case. It is therefore necessary that full information be obtained upon all points material to determine the right of citizenship according to the law of the nation wherein she claims to be entitled to be enrolled. The Department concludes that further investigation should be made; additional testimony should be taken showing her Choctaw blood, if any; what recognition or privileges she has enjoyed as a Choctaw citizen, and her places of birth and residence. Similar testimony should also be furnished showing the race and citizenship of her parents. Reasonable continuances should be allowed if found necessary.

The decision of the Commission of February 17, 1905, adverse to the applicant, is hereby set aside and the record in the case is

-3-

returned for appropriate action in accordance herewith. You are requested to inform all parties in interest fully of the points to be investigated and of their rights to be heard.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

2 inclosures.

Through the Commissioner
of Indian Affairs.

7-R-329.

Muskogee, Indian Territory, April 16, 1906.

Mary P. White,

Atoka, Indian Territory.

Dear Madam:

There is enclosed herewith copy of Departmental letter of April 5, 1906 (I.T.D. 2152-1906), setting aside the decision of the Commission to the Five Civilized Tribes of February 17, 1905, refusing the application for your enrollment as a citizen by blood of the Choctaw Nation and returning the record in the case to the Commissioner to the Five Civilized Tribes for appropriate action in conformity with the instructions contained in Departmental letter of April 5, 1906.

You are hereby advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Thursday, May 10, 1906, at 9 o'clock A.M., hear such testimony as may be submitted on behalf of the applicant and the Choctaw and Chickasaw Nations, in reference to your right to enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

(Signed) Wm. O. Beall

Acting Commissioner.

OP 16-7.

(Copy)

TW

Atoka, Indian Territory, April 24, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of April 16, 1906, enclosing copy of Departmental letter, together with a copy of the report of the Acting Commissioner of Indian Affairs, relative to the right to enrollment of Mary P. White, as a citizen by blood of the Choctaw Nation.

You also enclose copy of a notice addressed to Mary P. White, at Atoka, Indian Territory, and request this office to use every possible means to see that said notice reaches Mrs. White or her attorney.

In reply thereto you are advised that I have made diligent inquiry since the receipt of your letter and am unable to secure any information whatever relative to Mary P. White or her present whereabouts.

I will continue to inquire and should any information be secured in the matter will advise the Postmaster at this place in order that the notice referred to may be forwarded to her.

Respectfully,

(Signed) W. H. Angell.

Chief Clerk.

7-R-329.

Muskegee, Indian Territory, August 24, 1906.

Mary P. White,

Coalgate, Indian Territory.

Dear Madam:

The Department on April 5, 1906 (I.T.D. 2152-1905), set aside the decision of the Commission to the Five Civilized Tribes of February 17, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation, and remanded said case for further investigation, for the purpose of permitting you to show your Choctaw blood, if any, what recognition and privileges you have enjoyed as a Choctaw citizen, and the places of your birth and residence. Similar testimony should also be furnished showing the race and citizenship of your parents.

For this purpose you will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office at Muskegee, Indian Territory, on Monday, September 17, 1906, at nine o'clock A. M., for the purpose of giving testimony relative to the points outlined in Departmental letter, a copy of which is inclosed herewith.

Respectfully,

Acting Commissioner.

LBA 24/3.

7-R-329.

Muskogee, Indian Territory, August 24, 1906.

J. O. Pool,
Attorney at Law,
Nacoma, Texas.

Dear Sir:

The Department on April 5, 1906 (I.T.D. 2152-1905), set aside the decision of the Commission to the Five Civilized Tribes of February 17, 1905, in the matter of the application for the enrollment of Mary P. White as a citizen of the Choctaw Nation, and remanded said case for further investigation, with instructions that testimony should be taken showing her Choctaw blood, if any, what recognition and privileges she has enjoyed as a Choctaw citizen, and her place of birth and residence. Similar testimony should also be furnished showing the race and citizenship of her parents.

For this purpose, the applicant, together with such witnesses as she desires to have testify in her behalf, should appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, September 17, 1906, at nine o'clock A. M.

This office has addressed frequent communications to the applicant at her last known post office address at Atoka, Indian Territory, but the same have been returned unclaimed. If you have any knowledge relative to her whereabouts, kindly notify this office

-2-

of the same at the earliest possible date.

A copy of Departmental letter is inclosed herewith for your information.

Respectfully,

Acting Commissioner.

LBA 24/1.

7-R-329.

Muskogee, Indian Territory, August 24, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Department on April 5, 1906 (I.T.D. 2152-1905), set aside the decision of the Commission to the Five Civilized Tribes of February 17, 1905, in the matter of the application for the enrollment of Mary P. White as a citizen of the Choctaw Nation, and remanded said case for further investigation, with instructions that testimony should be taken showing her Choctaw blood, if any, what recognition and privileges she has enjoyed as a Choctaw citizen, her places of birth and residence, and that similar testimony should be furnished showing the race and citizenship of her parents.

For this purpose the applicant has been notified to appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, September 17, 1906, at nine o'clock A. M.

A copy of Departmental letter is inclosed herewith for your information.

Respectfully,

Acting Commissioner.

LBA 24/2.

Hooona Texas 8-28-1906

W O Beal Assistant Commissioner to Five Tribes

Dear Sir

Yours realitive to Mary P. White recd - would gladly assist you in finding of her But I dont know her - nor as to her Whereabouts- Jennie White and Zula Cook of McAlester I Ter belong to or are Descendants of William Hall they might be able to tell you as to Mrs Mary P. White their People some of them Live at Atoka.

Yours

J O Pool

Commissioner to Five Tribes.

No. 36892.

Received Aug. 29, 1906.

7-R-329.

Muskogee, Indian Territory, August 30, 1906.

Jennie White,

McAlester, Indian Territory.

Dear Madam:

This office has been attempting for some time to ascertain the whereabouts of Mary P. White, an applicant for enrollment as a citizen of the Choctaw Nation, who formerly resided at Atoka, Indian Territory. Inasmuch as you are related to her, it is believed that you can furnish this information, and if so, kindly notify this office of the same at the earliest possible date.

An envelope requiring no postage is inclosed herewith for reply.

Respectfully,

Acting Commissioner.

Env.

McAlester

8. 30. 96.

Dear Sir

I received your letter this Morning

Will Say Mary P. White Postoffice is

Weak, Okla
Custer Co

if any More information wanted rite to me

Jennie White

McAlester I. T.

Commissioner to Five Tribes.
No. 37464.
Received Sep 1 1906.

7-R-329.

Muskogee, Indian Territory, September 5, 1906.

Mary P. White,

Weak, Oklahoma.

Dear Madam:

The Department on April 5, 1906 (I.T.D. 2152-1905), set aside the decision of the Commission to the Five Civilized Tribes of February 17, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation, and remanded said case for further investigation for the purpose of permitting you to show your Choctaw blood, if any, what recognition and privileges you have enjoyed as a Choctaw citizen, and the places of your birth and residence. Similar testimony should also be furnished showing the race and citizenship of your parents.

For this purpose, you will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Thursday, September 27, 1906, at nine o'clock A. M., for the purpose of giving testimony relative to the points outlined in Departmental letter, a copy of which is inclosed herewith.

Respectfully,

Acting Commissioner.

LBA 5/1.

7-R-329.

Muskogee, Indian Territory, September 5, 1906.

J. O. Pool,
Attorney at law,
Hecona, Texas.

Dear Sir:

You are hereby notified that the hearing in the matter of the application for the enrollment of Mary P. White as a citizen of the Choctaw Nation, heretofore set for Monday, September 17, 1906, at nine o'clock A. M., has been continued to Thursday, September 27, 1906, at nine o'clock A. M.

The applicant, Mary P. White, of Veak, Oklahoma, has been advised of this continuance.

Respectfully,

Acting Commissioner.

7-R-329.

Muskogee, Indian Territory, September 5, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the hearing in the matter of the application for the enrollment of Mary P. White as a citizen of the Choctaw Nation, heretofore set for Monday, September 17, 1906, at nine o'clock A. M., has been continued to Thursday, September 27, 1906, at nine o'clock A. M.

Respectfully,

Acting Commissioner.

William M. Hall, et al,)

vs.)

The Choctaw Nation.)

TO THE HONORABLE SECRETARY OF THE INTERIOR, AND

TO THE COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

In the matter of the consolidated application, of William M. Hall and others, for enrollment upon the Choctaw Rolls, of the Indian Territory.

Come now the following named applicants, to-wit: Jennie White, surviving wife of J. R. White, Zula Cook, Nee White, William Earl White, Minnie Ann White, Mary Carolina White Cook, and respectfully represent: That they are direct lineal descendants of William M. Hall, a Choctaw Indian by blood, and as such residing in the Indian Territory, being born in allegiance to their parents, Mary E. White, Nee Hall, daughter of William M. Hall, in the Choctaw Nation, Indian Territory.

Applicants parents were placed upon the 1894 Rolls, and said rolls was approved by the Acts of Congress, as being the true and correct rolls of said Nation, and all names thereon are entitled with the descendants born unto them, to enrollment upon the legal rolls of the Choctaw Nation. That the acts of the Commission to the Five Civilized Tribes in suspending the enrollment of these applicants, and returning to them the testimony of their witnesses, was without authority in law, their being in accordance with the decisions of the Attorney General, simply a ministerial act and not a judicial act, as such ministerial acts, they should have placed upon said rolls these applicants.

Applicants pray your Honor, that their said case be reopened, and readjudicated, and that the testimony hereto attached as a part of this notice and petition be considered, and that they be enrolled as citizens of the Choctaw Nation, Indian Territory.

*Wm. Jennie White
Zula Cook*

The Attorney General in the Long case, for enrollment as a Mississippi Choctaw, other than those claiming under Article 14, of the Treaty of September 27, 1830 (7 Stat. 335) and their descendants to reunite with the Nation, quoted the Act of June 28th. 1898, (30 Stat. 595-503) which provided:

"No person shall be enrolled, who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship, provided however, that nothing contained in this act, shall be so construed, as to militate against any rights or privileges, which the Mississippi Choctaws may have under the laws or treaties with the United States:"

He further states in this case, "There is thus, provided the rights of descendants, in the third generation asking restoration to political relation with the Tribe, from which their ancestors became, by voluntary Act, or by operation of law, dissevered:

It is a matter of history that the migration of the Choctaw people from their ancient to their present western seats, was not at one time by all of the Tribes, nor yet one time by these elements of it whose descendants now constitute the Choctaw Nation. Only about one-half of the Tribe, left their old seats in the first general movement in 1831 and 1832. The United States transported various bands and some parties migrated at their own expense. The record of the Indian Office show that in 1845 and 1856, the Choctaw Nation, as now constituted, presented claims against the United States, arising out of these migrations. That the present Choctaw People did not, at the time of migration, nor for a long time thereafter, regard those who failed to emigrate as unentitled to possess and share the tribal lands and property equally with themselves, whenever they should emigrate, is evident from the legislation of the Nation, as early as October 9, 1837, (Choctaw Laws, p 73) the Council prohibited settlement or purchase of improvement on the Tribal lands from its citizens by non-Indians, "Not a descendant of the Choctaws".

Descendants from Choctaws were not regarded as intruders but as having rights, without special act of Council, to appropriate

tribal lands and to purchase improvements thereon, October 14, 1847.

"The late and new descendants, (ib p 96) were declared to have equal rights with the old settlers in the schools of the Nation. This was not a grant or concession, but a mere declaration of Right, not as right as residence or as Indians, but as Choctaws. Nor by the resolution of October, 11, 1856 (ib 122) other Indians (Creeks) were regarded as Intruders, and were asked to be speedily removed.

The Choctaw Nation and Government are now existing, were organized under a constitution drafted by a convention, assembled January 11, 1860, pursuant to the Act of October 24, 1859, by the Choctaw Council. The preamble to the instrument declares that,

We, the representatives of the people, inhabiting the Choctaw Nation, contained within the following limits, to-wit..... do ordain and establish the following constitution and form of Government, and do mutually agree with each other, to form ourselves into a free and independent nation, not inconsistent with the constitution, treaties and laws of the United States, by the name of the Choctaw Nation."

The first action of the Bill of Rights declared that:

"All free men, when they form a social compact, are equal in rights", and all free citizens of eighteen years and upwards, who had been citizens six months and residents in their election district, at least one month, were declared qualified electors, by section 2 Article VII.

There was nothing in this instrument defining citizenship in the Choctaw Nation, how it might be acquired or lost, or limiting the operation of it, as to such residence of its territory, as were the members then of the Choctaw Tribe. If it was so intended, and as to be so limited by construction, it must be so done from consideration of matters outside the instrument itself. Upon its face it embraces all inhabiting these Territory within its defined boundaries, and by the same word excluded all persons, Choctaws or not, not inhabiting, these defined limits. The Choctaw Nation however, continued to solicit a reintegration of the absentees, of the Tribes into the Nation, when allotment of the Choctaw-chickasaw lands were contemplated by the treaty of 1866, 14 Stat. 769) Article XIII, provided for newspaper publication of notice in six states of the union.

To the end that such choctaws and Chickasaws as yet remain outside of the choctaw and chickasaw nations, may be informed and have an opportunity, to exercise the rights hereby given by resident Choctaw and Chickasaws.

This was conditioned upon the absentee taking up an actual residence in the Nation, within five years after selection of his allotment. by Article IV Every Choctaw and Chickasaw (not citizens and residence merely) was given a ninety days preference right to select a quarter section of land.

No restriction or condition was imposed upon anyone claiming Choctaw Descent, establishing residence in the Nation and thereby acquiring full rights of citizenship. October 16, 1876 (Law 1887, 172) a tribunal for citizenship was established and the act provided that:

"Any person who is not recognized as a ~~Choctaw~~ citizen of this nation, or of Choctaw Descent, and claiming to be a citizen, or of Choctaw Descent, shall petition to the General Council during the regular session thereof, for the rights and privileges of citizenship of the Choctaw Nation.

Such petitioner shall prove his or her blood, or other means by which they claim citizenship, by not less than two good respectable Choctaws, disinterested persons, before proper committee, or the Chairman thereof, and the chairman, or secretary of Committee shall have power to administer any and all oaths that may be necessary in conducting the investigation, The Committee aforesaid to be appointed by the General Council, and to report to the body, by act or resolution, or otherwise, in reference to the petition or petitions of the person or persons claiming to be citizens, of of Choctaw blood descent, and in the event of the adoption of such report of the Committee, then such person or persons, shall thereafter be deemed to be bona fide citizens of the Choctaw Nation."

The peculiar wording "or" of Choctaw descent, itself implies that one of acknowledge Choctaw descent became a citizen by mere settlement in the Choctaw Nation. The Act of October, 2, 1882, (1b 174) gave an appeal in such cases from adverse action of the Council to the United States Indian Agent. Until after this time, the right to become a choctaw citizen seems to have been fully and

unqualifiedly extended to all persons of Choctaw Descent, by mere settlement and residence in the Nation, the only procedure required being for record proof of the right, which arose as of course, upon proof of the facts of descent and residence.

An, apparently of November, 1898, (laws 1894, 266) imposed a restriction of one-eighth Choctaw blood as necessary to requiring citizenship in the Nation..

Section 4, significantly provided, That this act shall not be construed to effect persons within the limits of the Choctaw Nation, now enjoying the rights of citizenship. Thus showing that persons of Choctaw descent entitled to be recognized as citizens, but not yet formerly recognized by the Council, or admitted to the rolls, were residing in the Nation, enjoying, and entitled to enjoy the rights of citizenship."

An act of October 30, 1883 (lb 227) constituted a tribunal for citizenship, by a Committee of the General Council, and still recognized that satisfactory proof of Choctaw descent and residence in the Nation, entitled an applicant to full recognition as a Choctaw citizen.

The section of this Act provides:

"It is hereby made the duty of the Sheriff of each county in this nation to ascertain the number and names of persons, or parties in their respective counties, who claim Choctaw rights, by blood or otherwise and who have never established the same in accordance with the laws of this nation, and report the same to the Principal Chief immediately.

Every such person living in this Nation, and claiming to be citizens by blood, or otherwise, and who shall fail to comply with the provisions of this act, after having been duly notified thereof, by the Sheriff, or other authorized person, shall be deemed and considered an intruder, and shall be removed beyond the limits, of the Nation forthwith, by the Principal Chief."

An act of the same day (lb 288) made the action of the Council upon application for citizenship final. This, act, however, did not deny the rights of an absentee Choctaw to acquire citizenship by taking up residence in the Nation, but made the council the final tribunal upon the sufficiency of proof.

As late as December 24, 1889, the

Choctaw General Council memorialized Congress by a resolution that:

Whereas, there are large numbers of Choctaws yet in the states of Mississippi, and Louisiana, who are entitled to all rights and privilege of citizenship in the Choctaw Nation, and

Whereas, they are denied all rights of citizenship in said Nation therefore,

BE IT RESOLVED, by the General Council of the Choctaw Nation assembled:- That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation."

This policy was maintained by Act of April 8th, April 9th, and October 27th, 1891, Mrs. Annie Boyd, and others, Cornelius Hickman and others, and Henry Lewis, Mississippi Choctaws, late arrivals were simply recognized by resolution of the Council as citizens (Laws 1896 pages 320, 313, 329.) This form "declared" or "recognized" by resolution ~~of the Council~~ rather than "admitted" was the usual one and was used in the Acts declaring Mrs. Mayo and family, Joseph A. Palmer, Carolina Hazel and others, and Lucy Dodson and others, entitled to citizens (Laws 1893, pages 35, 45, 54.)

It was always regarded as a matter of right of such persons, not of grade or grant in the nature of adoption, admission, or naturalization of alien. This policy seems not to have been abandoned until October 16, 1895 when the Council adopted the resolution (Laws 1895 page 4) that:-

"Be it resolved by the General Council of the Choctaw Nation, assembled:- That all persons who claim citizenship to the Choctaw Nation, and intend proving the same, are hereby notified that they must file their petitions as the law directs on, or before November, 15, 1895, and after said date no petitions will be entertained by the Choctaw Nation, and all parties who have their petitions filed, are hereby notified that they must come forward and prosecute the same at once. September 15th, 1895, (Act page 45) an act was passed by the Choctaw Council, for appointment by the Principal Chief of three citizens by blood, by a commission to proceed, within ten days after its passage, to enroll all recognized citizens of the Choctaw Nation" and Section 3 provided:- "Be it further enacted, that the rolls when completed by said Commission, shall be certified by said Commissioners, and delivered to the Principal Chief, of the Choctaw Nation, on or before the twentieth day of October 1895, to be revised and approved by the next General Council of the Choctaw Nation."

Such a roll was made and prepared by the Commission and is known as the 1895 Census Roll. It stated by the Principal Chief of the Choctaw Nation, in a letter of July 22, 1897, to the Commission, there is "only one authenticated roll of citizens, and that is the one approved by the legislative in 1895." This I infer was the roll prepared under the Act of Sept. 15, 1895.

The view taken by the United States courts for the Indian Territory, acting in cases appealed from decision of the Dawes Commission in citizenship cases under the Act of June, 10, 1896, (27 Stat. 339) was that (1) Mississippi, (or absentee) Choctaw, whose ancestors or themselves, had removed to the Nation were not entitled to be enrolled, but (2) that one who had heretofore actually removed to the Nation was entitled to be enrolled as a Citizen, with all rights, except those who had taken benefit, of the 14 Article, of the Treaty of September, 27 1830, (& Stat. 333-335) were excluded from sharing annuities, Jack Amos, et al, (Ann Rep com Indian Affairs, 1898, page, 469) E. J. Hoene 1b page 445) general summary (1b page 114) That:

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their Council passed many Acts and resolutions inviting these absent Choctaws to remove into this country, and on one occasion appropriated a considerable sum of money, and until the past two or three years have always promptly placed those who did ~~not~~ return on the rolls of citizenship, but never enrolled an absent Choctaw Indians, as a citizen. Page 16.

The reason of this conclusion is to my mind morally certain that it is to be remembered that ever since the Treaty of 1830, now for a period of nearly 67 years, with the exception of the past two or three years, the Choctaw Nation, by its legislative enactments, and its acts so long continued, that by custom they have become crystallized into law, having unversally admitted all who should remove and rehabilitate them in all the rights and privileges of citizenship, enjoyed by themselves.

The only limitation imposed by Congress and the Laws of the United States, is the provision of the Act of June 28, 1898, (30 Stat. 495, 503,) that: "No person shall be enrolled who has not heretofore removed and in good faith settled in the nation in which he claims citizenship, so far as a bar is raised by the laws of the United States, it is sufficient, if a claimant to citizenship in the Five Civilized Tribes removed to and permanently settled in the Indian Territory. Wherein he claims to be enrolled prior to June 20, 1898, this we did. Subject to the power of Congress the Indian Nations are self governing communities, entitled to control and manage their own affairs, such as citizenship, rules of descent, revenue and criminal procedure. Roff vs. Burny (168 U.S. 218, 222) Citizenship cases, U.S. Courts Indian Territory. (Annual Rep. Commissioner of Indian Affairs, 1898) Pages 473-499-525) Jones vs. Mehan (175-U.S.A.) Buster vs. Right, Indian Inspector, Sanborn Jr. eight circuit. March 7, 1895, Talton vs. Mayes, 1163, U.S. 376, 385) U.S. vs. Kagama (118 U.S. 375/ 381)

Except as above limited it is wholly a matter of Choctaw Law, when a Choctaw by blood becomes separated from the Nation, and lost rights to reunite himself to it, Congress so directed the Commission, by Act of June, 10, 1896, (29 Stat. 321, 339) Provided:

That in determining all such applications, said Commission shall respect all laws of the several Nations or Tribes, not inconsistent with the laws of the United States, and all treaties with either of Nations or Tribes, and shall give due force and effect to the Rolls, usages and customs, of each of said Nations, or Tribes.

As the Choctaw Nation, up to November 15, 1895, was continually inviting the absentees to reunite themselves with its body and accept its citizenship, and applicants accepted that invitation, and permanently located in the Nation, it was their right under the Act of 1896, Supra to be enrolled by the Commission to the Five Civilized Tribes, or by the "Legally constituted court or Committee designated", by the Tribes if they made application within three months from the passage of the Act.

By the usage and customs of the Choctaw Nation, sixty years standing crystallized into law "they were entitled to be recognised as Citizens". This enrolment was not an enrolment to citizenship, but the merely recognition of citizenship existing."

Section 21, of the Act of Congress approved June 28, 1896 (30 Stat. 495) provided that:-

Said Commission is authorized and directed to make correct rolls of the citizens by blood, of all the other Tribes, eliminating from the Tribal Rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawfull right to, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship, under the laws and Treaties of said Tribe.

I am of the opinion that the Commission erred, in its application of the law to the fact, as above shown, for more than sixty years the usages and custom of the Choctaw Nation, was to recognize absentee Choctaws, upon the removal of any permanent settlement in the Nation. No admission to citizenship was, by the usage of the Tribe, necessary. When applicants removed to the Nation in 1894, they thereby became citizens. The Council could not, by prohibiting its Committee by enrolling a class of citizens for no cause except its own non-action. Were that its intent, I would have no hesitation in saying that such arbitrary action was beyond its power and in clear violation of Section II, of the Bill of Rights of the Choctaw Constitution as an attempt to outlaw or deprive a class of citizens of their liberties and privileges unheard.

But a more appropriate and proper construction of the 7th, prohibiting clause in the Act of October, 30, 1896 above quoted, is that it was ~~intended~~ to apply to cases of non-citizens who had applied for admission or adoption in the Nation, and whose claims had been rejected, so constructed the probation was a proper exercise of legislative power, but had no application to those who by Tribal usage, became citizens by reuniting with the Nation in 1894. In putting the omitted names of such persons

on the roll, the revisory board and the Governor is so advising, were not acting properly and within their powers, I therefore, am of the opinion, that applicants were not enrolled without authority of law, and certainly not by fraud, and the Commission erred in denying the enrollment. There were no regular Tribal Rolls kept from Father to Son or from ancestry to descendant, in the Choctaw Nation, during the years of 1830 to 1900.

And that during the year after the removal of the Choctaw people from Mississippi, invitation after invitation was sent out by the Choctaw Nation, and it was understood, that all who would, could remove to the Choctaw Nation, and affiliate with the Nation in the Indian Territory. Their rights have never been questioned, the fact of their blood being apparent and undoubted, and that they are, and were a portion of the Choctaw people, so whom it was the intention of Congress to distribute the Choctaw lands equally in the Indian Territory. That your petitioners are entitled to reconsider of the Honorable Secretary, in said case upon the regular question involved, with relation to the consideration and the weight to be given to the presumption of evidence.

The rights of the applicants as Choctaws by blood, entitled to enrollment upon the Rolls of the Choctaw Nation, was never passed upon by the Commissioner to the Five Civilized Tribes, SOLELY BECAUSE OF THE FACT, THAT THEY FAILED TO APPLY WITHIN THE TIME PROVIDED BY LAW OF 1896.

Said failure was not on account of any fault, of these applicants as they knew nothing of said requirements until long after the time for application, until said Laws had expired.

The Attorney General says in the case of Scott S. Duman, et al., an application for identification as Mississippi Choctaws, and said holding approved, by the Secretary of the Interior, says: That lack of record evidence, of the right cannot bar one entitled to the benefit and that it necessarily follows that any competent secondary evidence, by parole or otherwise, may be relied on to prove said right: Also the Secretary holds in the Richard R. Coleman et al

case, says: "That the Commission is authorized and directed to make correct Rolls of the Citizens by blood, of all the other Tribes, eliminating from the Tribal Rolls, which names as may have been placed thereon by fraud, or without authority of law."

Again, he says in same case, "That Congress in the legislation defining the power and duties of the Commission, declared that the Commission shall respect all Laws of the several Tribes, not inconsistent with the Laws of the United States, and shall have due force and effect to the Rolls, usages and customs of each of said Nations and Tribes."

Again, in same case he says: "One knows nothing of his lineage, and it is always a matter of tradition."

He further holds in the Mary Elizabeth Martin case, that allegiance of birth is obtained by succession to the allegiance of the parent.

He further holds, "In no state, so far as he is aware of, has it ever been held that the offspring of a citizen is a born stranger to its parents allegiance." (These applicants, unless they be held to be born strangers to the allegiance of their parents and foreparents, as stated by the Attorney General, are entitled to enrollment.)

The Treaty of 1830, secured to these applicants, enrollment. The Treaty of 1855, co-operates with the Treaty of 1830. And, again the obligation of the Government, was renewed in the Treaty of 1866.

ARTICLE I.

In pursuance to the Acts of Congress, approved May, 28, 1830, the United States do hereby, forever secure, and grant the lands embraced within the said limits, to the members of the Choctaw and the Chickasaw Tribes, their heirs and assigns, to be held in common, so that each and every member of either Tribe, shall have an equal and undivided interest in the whole.

Now, applicants, who under the above title of this property, we think are equal owners and co-tenants, with the other Indians of said tribes, and therefore their rights in this land, under the

(II)

Treaty, as has been heretofore held, by the Supreme Court of the United States is a vested right, and that any vested right, in this land cannot be effected legally, by any Act of Congress, or by any Treaty, to which they are not a party.

The United States Supreme Court says:- The law of the United States Statutes, should not be so constructed, as to impair rights secured by Treaty, or to violate plighted faith of the Government.

And this, the United States Supreme Court, declared in the case of *Chew Heong VS The United States*, 112 U.S.R. 536-549, where the following language was used: "For since the purpose avowed in the Acts, was to faithfully execute this Treaty, and interpretation of its provision would be rejected, which imputed to Congress an intention to disregard the plighted faith of the Government, and consequently ought to adopt that construction, which recognized and saved Treaty Rights, secured by Treaty.

Courts cannot ~~be~~ legally destroy vested rights, and further speaking of the case at bar, the Supreme Court says:- This award and judgement, which the applicant has secured under the Treaty of 1855, was so far a right of property, as to be beyond the reach of legislative power. It was strictly a right of property growing out of Treaty stipulation as an such, it could not be rightfully taken away, except by the consent of the appellant.

The Court further says:- It is not permitted, to so construe a law, the terms and provisions of a statute, so that injustive and wrong shall be inflicted, by means of the construction of its general provisions.

This proposition was declared, in the case of the United States VS Kirby & Wall, 482-484, where the United States Court used the following language "All laws should receive a sensible construction, general terms should not be so limited in their application, as to lead to unjust oppression or absurd consequences."

Again, the latter clause of the 14th Article, of the Treaty of 1830 reads:- When well founded doubt shall arise, it shall be construed most favorably, toward the Choctaws. (Which is

these applicants.) Now we fail to see how the Commission or the Department can reject these claimants, without disregarding the foregoing opinion of the Attorney General, and also of the decisions, as indicated by the Supreme Court, and the latter clause of the 18th Article, of the Treaty of 1830.

The Court further says:- The insertion in the Treaty, of the word "right" shows unmistakeably, that everything demanded by natural justice, was meant to be secured to all Choctaw Indians, and their descendants, as well as to all enrolled citizens of the Choctaw Nation.

Article 3, of the Treaty of 1830, ceded all the lands east of the Mississippi river, for the lands west of the Mississippi river, therefore, all the lands ceded, being the common property of all the Choctaw Indians, makes this the Indian Territory, for which their property was ceded, the common property of all the Mississippi Choctaws, and their descendants, irrespective of the 14th Article people, but all Choctaw Indians inclusive, and conditions imposed by Congress, upon Choctaw claimants, not required nor authorized by the Treaty of 1830, are void. For as declared by the Supreme Court, it is not within the power of Congress to legally abridge or restrict a right to enjoy property, guaranteed or secured under Treaty stipulations. Brief proclaimants in Nat. Proceeds case 191, 211, 218. This cites the decision.

Webster declares the same legal proposition, in his opinion on the Florida Claim, which had their origin in the Treaty of 1819, between the United States and Spain. Speaking of the force and sanctity of Treaty obligations he said:- A Treaty is the Supreme Law of the land, it can neither be limited nor restrained, nor modified nor altered, it stands on the ground of National Contract, and is declared by the Constitution, to be the Supreme law of the land. And this gives it a character, higher than any Act of ordinary legislation. It enjoys an immunity, from the operation of all such legislation. Senate report, 93 First Session, 36 Congress, pp 16, 22.

The Indians themselves, and those of them in authority have always heretofore, acknowledged the rights and interests in the lands of the Indian Territory, being in all the Choctaw Indians. And the National Council, on December 8th 1898, memorialized Congress by the adoption of the following resolutions:-

That whereas, there are a large number of Choctaw and Chickasaw Indians, in these states, and whereas, they are too poor to emigrate into the Choctaw Nation.

Therefore be it resolved, by the General Council of the Choctaw Nation assembled, That the United States Government, is hereby requested to make provisions for the emigration of said Choctaws, from said states to the Choctaw Nation, Indian Territory.

Now we are here, knocking at our own doors, for admission into our own house, with our own brethren. The door of admission to citizenship in the Indian Territory, has always been kept open by the Choctaw and Chickasaws, and whenever an Indian moved into the Indian Territory, he was upon proof of ~~having~~ Indian blood, a descendant of some Indian, admitted by the Councils of said Nation, to all the privileges of Choctaw citizenship. There is nothing in the history of the Choctaw Nation, up to the time of the Dawe Commission, in 1898, where there was ever any difference made, in the recognition to citizenship, of the common Indians, and the Fifth Article Indians. But they were recognized upon proof of blood as Choctaw Indians, and possessed of the same rights.

In proof of this, under the Treaty of 1866, when there was a possibility of the allotment of these lands, in severality.

It was made a requisite in the Treaty, that the allotment of lands, should be published in newspapers, not only printed in the Choctaw and Chickasaw Nations, but in the states of Mississippi, Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws, as yet remain outside of the Choctaw and Chickasaw Nations, may be informed and have opportunity to exercise the rights, thereby given, to resident Choctaws and Chickasaws.

This of itself, as above indicated, gives a right, and it is the duty of the Commission, under said law, Treaty, usages and customs of said Nation to enroll us.

No where is it found, in any of the Laws of the Choctaw Nation or any of the treaties, where there was any difference made with any Choctaw Indian, in establishing rights in the Indian Territory, immaterial as to whether he was a 14th Article, a 19th Article, or simply a common Indian, if a Choctaw Indian he was a brother of these Choctaw Indians, and wards of the Government, and in every instance has been recognized as such, and was not discriminated against by the Choctaw or Chickasaw Nation.

The Treaty of 1830, and of 1866, was founded upon justice and equity, to all concerned. It was never once contemplated by the makers of these Treaties, that one of their brethren would be discriminated against, in favor of the other.

Applicants contend, that no law that abridges Treaty rights is oppressive against the party who has guaranteed rights.

And further contends, that the rights guaranteed by a Treaty has been respected by laws of Congress, up until 1902, by saying in the latter part of every Act, that nothing therein shall militate against rights conferred by a Treaty.

Applicants further contend, that the Treaty of 1902, with the Choctaw Indians, cannot apply in this case, because of the fact, applicants were not a party thereto.

And again because of the Act of Congress, of 1871 that says:- "There shall never again be a Treaty entered into, between the United States, and any Indian tribe within its boundaries and this Law has never been repealed.

WHEREFORE, Applicants pray, that their case be reopened, readjusted, and for enrollment:

*Mrs. Jeremiah White
Gula Cook*

UNITED STATES OF AMERICA ;
INDIAN SERVICE
INDIAN TERRITORY

Personally appeared before me the undersigned authority,
Julia Cook, nee White, who after being by me duly sworn according
to lawen gth stated:

That she is the daughter of H. G. White, daughter of William
H. Hall, that she is one of the principal applicants in the
foregoing case, that she has heard and read the foregoing petition
and that the facts contained therein are true and correct to the
best of her knowledge. That she has caused to be served, a copy
of this petition, upon Hunsfield Melbury & Bernish, attorneys for
the Choctaw and Chickasaw Nations, through the course of mail,
in answer a letter directed to them at South Waller, Ind. Ter.
that present post-office, the registered receipt of the post master,
of said post-office, is hereto attached and made a part of this
petition, for proof of service.

Julia Cook

Subscribed and sworn to before me by Julia Cook, as being
true and correct to the best of her knowledge, on that the 25, day
of June, 1896.

Capt

C. B. Hill
NOTARY PUBLIC

UNITED STATES OF AMERICA :
CHOCOMA NATION :
INDIAN TERRITORY.

Personally appeared before me the undersigned authority
Jennie White, who after being by me duly sworn according to law,
on oath states:

That she is the surviving wife of J. R. White, the son of
Mary P. White, who was the daughter of William M. Hall, That she
was legally married to J. R. White, that they have as issue of said
marriage two children to wit: William Earl White, and Minnie Ann
White, that said children are now living, that her said husband
died in March, 1905, and that she appears and makes herself an
applicant in this case in the interest of her two minor children,
and that she has read the foregoing petition and that the facts
contained therein are true and correct to the best of her knowledge.

Jennie White

Subscribed and sworn to before me by Jennie White, as being
true and correct to the best of her knowledge, on that this the
23 day of June, 1906.

[Signature]

A. B. Williams
Notary Public.

7 R 329

William M. Hall, et, al,

vs.

The Choctaw Nation.

Motion and petition to reopen
reconsider and readjudicate said
case, under the decisions of the
Attorney General, recently rendered
in the cases of Benjamin Vaughn,
Mary Elizabeth Martin, Lula West,
and especially the Scott & Dumas,
and the Long case, and the Laws of
1906.

DEPT. OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

RECEIVED

JUN 27 1906

COMMISSIONER,

Office Copy for Commissioner,

Bixby.

G.R.
W.H.H.

DEPARTMENT OF THE INTERIOR
WASHINGTON

D. C. 15312-1907.
I.T.D. 2122-1908.
8874-1907.

March 4, 1907.

LRB

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In conformity with the opinion of the Attorney-General of the United States of February 19, 1907 (I.T.D. 4564), in the consolidated case of William G. Thompson, et al., the decision of the Commission to the Five Civilized Tribes of February 17, 1906, denying the application of Mary P. White for the enrollment of herself as a citizen by blood of the Choctaw Nation, is hereby affirmed.

You will advise applicant and her attorney of this action.

The papers in the case have been returned for the files of the Indian Office, together with a copy hereof. A copy of Indian Office letter of February 27, 1907 (Land 6314), is enclosed.

Respectfully,

R. A. Hitchcock,

Secretary.

1 enclosure, and
3 enclosures to Ind. Off.,
with copy hereof.
W.O.F. 3-4-07.

Land
6314-1907.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

(COPY)

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of January 17, 1907, from Tams Bixby, Commissioner to the Five Civilized Tribes, who refers to the fact that on April 5, 1906 (I. T. D. 2152-1906), the Department set aside the decision of the Commission to the Five Civilized Tribes rendered on February 17, 1905, denying the application for the enrollment of Mary P. White as a citizen by blood, and returning the record therein for the purpose of permitting her to show her Choctaw blood, if any, what recognition and privileges she has enjoyed as a Choctaw citizen, her place of birth and residence and the race and citizenship of her parents.

The Commissioner reports that on April 16, 1906, he notified the applicant at her last named postoffice address at Atoka, of the action of the Department and advised her that he would at his office at Muskogee on Thursday, May 10, 1906, at 9 o'clock A. M., hear such testimony and receive such other evidence as might be submitted in support of her application, enclosing a copy of Departmental letter of April 5, 1906, for her information, but that no appearance was made by or in her

behalf on the date set for the hearing. On August 24, 1906, he again wrote Mary P. White, addressing his letter to Ateka, Indian Territory, and notified J. O. Pool, attorney at law, Hockema, Texas, and the attorneys for the Choctaw and Chickasaw Nations, that the applicant would be permitted to appear before him on Monday September 17, 1906, at 9 o'clock a. m. for the purpose of giving testimony relative to the points outlined in Departmental letter of April 5, 1906, copies of which were enclosed, but that no appearance was made by or on behalf of the applicant on the date set for the hearing.

He also says that on September 5, 1906, his office was notified that Mary P. White had removed to Vear, Oklahoma, and again notified her of the action of the Department and advised her that she should appear before his office on Friday September 27, 1906, at 9 o'clock a. m., explaining the purpose of the hearing, and that he also notified J. O. Pool and the attorneys for the Choctaw and Chickasaw Nations to the same effect, but that no appearance was made by or on behalf of the applicant on the date set for the hearing.

He further says that on June 27, 1906, J. O. Pool filed with his office what purported to be a motion to reopen, reconsider and readjudicate the case of William H. Hall et al. against the Choctaw Nation in so far as it relates to "Jennie White, surviving wife of J. R. White, Sula Cook, nee White, William Earl White, Minnie Ann White, Mary Carolina Cook," the petitioners alleging "that they are direct, lineal descendants

of William M. Hall, a Choctaw Indian by blood, and as such residing in the Indian Territory, being born in allegiance to their parents, Mary P. White, nee Hall, daughter of William M. Hall, in the Choctaw Nation, Indian Territory."

Concerning the parties mentioned in the motion, Mr. Bixby reports that no application has ever been made for the admission or enrollment of Jennie White, Minnie Ann White or Mary Carolina Cook as citizens of the Choctaw Nation, but that it appears that on July 28, 1906, written application was filed in his office for the enrollment of Minnie Ann White, minor child of J. R. White, a citizen of the Choctaw Nation "but not enrolled," and the petitioner Jennie White, a citizen of the United States, and Mary Carolina Cook (as Mary Polina Cook), minor child of A. D. Cook, a citizen of the United States, and Zula Cook, a citizen of the Choctaw Nation "but not enrolled" for enrollment as citizens of the Choctaw Nation under the provisions of Section 2 of the act of Congress approved April 26, 1906 (34 Stat. L., 137).

As to Zula Cook, nee White, William Earl White and J. R. White, deceased, the alleged husband of the petitioner, Jennie White, and father of the petitioner, William Earl White, the Commissioner finds from his records that on September 7, 1896, in the case entitled William J. Hall et al. vs. the Choctaw Nation (1896 Choctaw Citizenship Docket case No. 532) original application was made to the Commission under the pro-

visions of the Act of Congress approved June 10, 1896 (29 Stat. L., 321), for the admission of Zula Cook, nee White, William Earl White and J. B. White (as John White) as citizens by blood of the Choctaw Nation, and that on December 2, 1896, the application was denied, from which decision no appeal was taken.

Mr. Bixby further reports that the petitioner, Zula Cook, is identified (as Lula White) on the 1896 Choctaw census roll opposite No. 1467 as a resident of Atoka County; that no application has ever been filed with the Commission or Commissioner to the Five Civilized Tribes for the enrollment of Zula Cook, Nee White, William Earl White, or J. B. White, as citizens by blood of the Choctaw Nation.

He cites Section 1 of the Act of Congress approved April 26, 1906 (34 Stat. L., 137), and says that the motion filed by J. O. Pool on June 27, 1906, is apparently a motion to reopen and reconsider as to Zula Cook, nee White, and William Earl White. The decision of the Commission to the Five Civilized Tribes, rendered on December 2, 1906, under the provisions of the act of Congress approved June 10, 1896, not having been filed within sixty days from the passage of the act of April 26, 1906, cannot now be entertained or considered by his office or the Department.

He also quotes from Section 2 of the act of Congress approved April 26, 1906, and says that under this provision of law the applications for the enrollment of Minnie Ann White and

Mary Carolina Cook (as Mary Fobina Cook) filed with his office on July 25, 1906, cannot be received or considered by his office or the Department, for the reason that they are not the children of persons who have been enrolled as members of the Choctaw or Chickasaw Nations or had applications for enrollment pending on the date of the approval of the act.

In regard to the decision of the Commission to the Five Civilized Tribes in the matter of the application of Mary P. White for enrollment as a citizen of the Choctaw Nation, which was rendered on February 17, 1906, the Commissioner says he is of opinion that the applicant has been given ample opportunity to comply with the instructions of the Department contained in its letter of April 5, 1906, copy of which had been served on her, and that since she has not attempted to comply with the directions of the Department nor introduced any evidence tending to show that the decision of the Commission of February 17, 1906, should be rescinded, the decision should now be affirmed.

He further recommends that the decision of the Commission of February 17, 1906, denying the application for the enrollment of Mary P. White as a citizen by blood of the Choctaw Nation be affirmed; that the motion filed with his office on June 27, 1906, by Jennie White et al. be denied under the provisions of Section 1 of the Act of Congress of April 26, 1906 (34 Stat. L., 137), and that the applications filed with his office on July 25, 1906, for the enrollment of Minnie Ann

- 6 -

White and Mary Carolina Cook as citizens of the Chestaw Nation
he dismissed under the provisions of Section 2 of the same act.

The Commissioner has fully set forth in his report
the status of the various applicants who are the subject of
his report and it is evident to the Office that his conclusions
are well founded. His recommendations are therefore con-
curred in.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

EEH-Y

Muskogee, Indian Territory, April 20, 1907.

Mary P. White,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 17, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 20, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 17, 1905, denying the application for the enrollment of Mary P. White as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

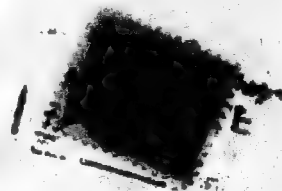
Department of the Interior.

Commission to the Five Civilised Tribes,

MUSKOGEE, IND. TER.

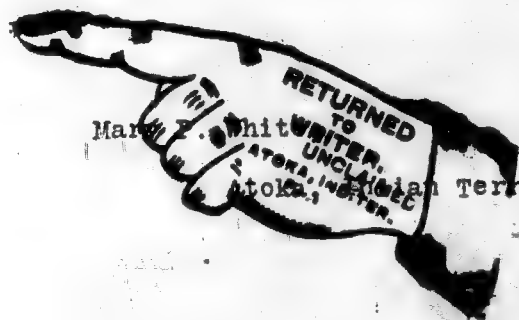
11871
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492
427



MAR 29 1905

REGISTRY DIVISION
FEB 13 1905
MUSKOGEE, IND. TER.



Mar 29 1905
Whitwater, Unclaimed Territory.

GRAND JURY

R 330

Almeda White

FOR IDENTIFICATION AS
A MISSISSIPPI CUSTODY.

REFER TO M. C. R. #52.

CHOCTAW

R. 331

Georgiella Wilson
et al

CANCELLED:

*Duplicator of Nos. 1, & 2 on
Choctaw card No. D. 1004.*

FEB 23 1906

Choc. R. 332

Nancy A. Willis

vs.

Choctaw Nation

R 332

Choctaw Nation

JUN 18 1902 DECISION PREPARED

DECISION RENDERED JAN 19 1905

REFUSED JAN 19 1905

COPY OF DECISION FORWARDED

APPLICANT JAN 19 1905

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

JAN 19 1905

RECORD FORWARDED DEPARTMENT

JAN 19 1905

ACTION APPROVED BY
SECRETARY OF INTERIOR

MAR 20 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAR 30 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

MAR 30 1905

7 R 332

3¹/₂ blood denied.

(I pass this up to the
Chief Law Clerk with your
permission @)

DEC 10 1904

W.O.B.

Commission to the five civilized tribes,
Indian Territory.

is the application of Nancy A. Willis for enrollment as a
Choctaw, being sworn and examined by Com'r McKesson and testifies:

Q What is your name? A Nancy A. Willis.

Q How old are you? A Fifty-two.

Q Where are you living? A In Cadde.

Q How long have you lived in the Choctaw nation? A We have
lived in the Choctaw nation twenty years, I reckon.

Q Did you make application to the Dawes Commission in 1896?

A No sir, this is the first time I think we have been before the
Dawes Commission.

Q You never have made any application, and have been here all
the time? A We made application, but didn't get it off in
time.

Q Where were you making application? A When you all give
around your limited time.

Q You are not on the Choctaw roll? A No sir.

Q Never have been? A No sir.

Q Your father and mother never have been? A No sir.

Com'r McKesson: We have no authority to enroll you; and your
enrollment will be refused.

Department of the Interior,
Indian Territory.

Witness my hand and seal at
Washington, D.C., this 11th day of July, 1896.

M. McKesson

Choctaw No. R-332.

Copy.

Muskogee, Indian Territory, February 20, 1902

In the matter of the application of)
Nancy A. Willis for the enrollment of)
herself as a citizen by blood of the)
Choctaw Nation.)

To Nancy A. Willis,

Cadde, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied

N A W 2.

or attempted to comply with the provision of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Nation.

RECORDED

T.B. Needles.

Commissioner in Charge.

Register.

C O P Y.

INDIAN TERRITORY,
CENTRAL DISTRICT,
CHOCTAW NATION.

NANCY ANN FLETCHER WILLIS, first having been duly sworn, states on oath that she is a resident Gaddo, Blue County, Choctaw Nation; that she has lived in Gaddo and vicinity for the past 17 or 18 years; that she is 50 years old. That she is a claimant for citizenship in the Choctaw Nation.

My mother was part Choctaw Indian, and the daughter of William and Mary Pace. My grand mother's maiden name was Mary Folsom; my maiden name was Paddy.

I have seven children living who are applicants for citizenship in the Choctaw Nation; their names and ages are as follows, to-wit:

Mary Bulah McGuire,	female,	age 28.
George Wright Willis,	male,	26
Fletcher Aloise Bloom,	female,	24
Gary Felix Willis,	male,	21
James Homer Willis,	male,	18
Clara Beatrice Willis,	female,	15
Boland Cleveland Willis,	male,	11

Names of grand-children are as follows:

Robert McGuire, Jr.,	male,	7
Florence McGuire,	female,	5
Anna Bloom,	female,	5
Earl Bloom,	male,	3

The above named children and grand children are all Choctaw Indians by blood, and are justly entitled by blood to Choctaw citizenship, for the following reasons, to-wit: Because we are the descendants of Mary Folsom, which fact we have established by competent witnesses, and because we have affidavits in our possession to sustain us in making the petition.

Four petitioners in duty bound will ever pray:

Nancy Ann Fletcher,

Endorsed: Nancy Ann Fletcher Willis, et al. v Choctaw Nation.
Affidavits. Filed Dec. 22, 1886 P.B. Stoner, Clerk. Rejected by
Commissioners of Blue County Oct. 18, 1886. Henry Brington, Usher
and Acting Secy.

C O P Y.

Affidavit of H.N. Perkins, to be read as evidence before the Commission to Blue County, in behalf of Nancy A.F. Willis, et al., for enrollment before the said Commission.

The affiant, H.N. Perkins, after first being duly sworn, deposes and says that his age is 55 years and that his post office is Caney, I.T.

The affiant further states that he is well acquainted with the applicant, Mrs. Nancy A.F. Willis, and family, and know that the applicant, Nancy A.F. Willis, is the daughter of Mary Pace, who was the daughter of Mary Folsom, a half blood Choctaw Indian.

The affiant further states that he is a Choctaw Indian by blood and that Mary Folsom is his own cousin by blood, Mary Folsom's father being his mother's brother and my mother is a three-quarter blood Choctaw Indian.

H.N. Perkins.

Subscribed and sworn to before me, this the 12 day of Oct., 1896.
(SEAL) J.L. Rappalee, Notary Public

Before the Commission to Blue County, Choctaw Nation.

In the matter of the claim of Mrs. Nancy Ann Fletcher Willis, et al., to citizenship in the Choctaw Nation.

Affidavit of Jennie Nelson, after being first sworn, says on oath I am about 65 years old; I live near Blue Post office, Blue County, Choctaw Nation; I knew King Folsom, who was a Choctaw Indian by blood. I knew his daughter, Mary Folsom, who married a white man and moved somewhere near Ft. Smith, Ark. I did not know what the man's name was that she married, but afterwards learned that his name was Pace.

Jennie Nelson. Her + mark.

Subscribed and sworn to before me, this the 12 day of Oct., 1896.
(SEAL) J. L. Rappalee, Notary Public.

C O P Y.

I, S.W. Maytubby, after first being duly sworn, state that I did interpret the above affidavit of Mrs. Jennie Nelson correct, as she gave it to me.

S.W. Maytubby.

Subscribed and sworn to before me, this the 12 day of Oct., 1896.
(SEAL) J.L. Rappalee, Notary Public.

Before the Commission to Blue County, Choctaw Nation.

In the matter of the claim of Mrs. Nancy Ann Fletcher Willis, et al. to citizenship in the Choctaw Nation.

Affidavit of Elsie Perkins, after first being duly sworn, says on oath: my name is Elsie Perkins; I am about 75 years old; I live at Caney Station, Blue County, Choctaw Nation.

I know Nancy Ann Fletcher Willis, who is the grand daughter of Mary Pace, nee Mary Folsom, the daughter of King Folsom, my brother, who was a Choctaw Indian by blood.

Elsie Perkins. Her + mark.

Subscribed and sworn to before me on this the 12 day of Oct., 1896.
(SEAL) J.L. Rappalee, Notary Public.

Before the Commission to Blue County, Choctaw Nation.

In the matter of the claim of Nancy Ann Fletcher Willis to citizenship in the Choctaw Nation.

Affidavit of Nancy Ann Fletcher, after first being duly sworn, says on oath: my name is Nancy Ann Fletcher Willis. I am the wife of W.C. Willis; I am 50 years old; I live in Blue County, Choctaw Nation, at Caddo. I am the grand daughter of William and Mary Pace Folsom.

Nancy Ann Fletcher Willis.

Subscribed and sworn to before me, this the 12 day of Oct., 1896.
(SEAL) J.L. Rappalee, Notary Public.

C O P Y.

In the U. S. Court, Central Judicial District of the Indian Territory, before the Hon. Isney Lewis, Judge.

Mary Ann Fletcher Willis, et al.,

vs.

Application for Citizenship.
Appeal from Choctaw Council.

Choctaw Nation.

Now comes the applicant, Mary Ann Fletcher Willis, and as grounds for her claim and the claims of her children and grand children, for citizenship in the Choctaw Nation, states:

That her mother was a Choctaw Indian by blood, and was the daughter of William and Mary Pace.

That her mother, Mary Pace, was a daughter of King Folson who was a three-quarter Choctaw Indian; all of which is substantiated by affidavits herewith filed and marked Ex "A" to "E".

That the applicant filed her claim before the General Council of the Choctaw Nation at its October term, 1896; that the Committee appointed by both houses for the purpose of investigating said claim, refused to pass upon the same on or about the 28th day of October, 1896.

Therefore, the petitioner prays that your Honorable Court give her claim a hearing that justice may be done her, and that she may be accorded her rights as a Choctaw Indian.

Mary Ann Fletcher Willis.

Endorsed: Mary Ann Fletcher Willis v Choctaw Nation. Application for citizenship. Appeal from Choctaw Council. Filed Dec. 22, 1896. P.B. Stoner, Clerk.

A Resolution with Reference to Certain Citizenship
Claims.

We your committee on citizenship, having examined the claims of Presley Groves, et al., Frank Webb, Rufus Johnson, M.C. Clark, et al.

C O P Y

N.A.F. Willis, et al., David Weeden, et al., R.H. Vernon, et al.,
Fannie W. Seale, et al., beg to submit the following resolution.

Be It Resolved by the General Council of the Choctaw Nation
Assembled:

That the above named parties claiming citizenship to the
Choctaw Nation, are hereby rejected; that this resolution shall
take effect and be in force from and after its passage.

Reported Chairman Comm.,

By Ward Garland.

Passed the Senate, Nov. 3rd, 1896.

Passed the House Nov. 3rd, 1896.

Became law by limitation, Nov. 8th, 1896.

This is to certify that the above and foregoing is a full,
true and correct copy of the original resolution now on file in
my office.

Given under my hand and the seal of the Choctaw Nation this the
30th day of March, 1897.

Solomon J. Homer,

(SEAL)

National Secy. Choctaw Nation.

Endorsed: A resolution with reference to certain citizenship
claimants. Copy. Filed Apr. 2, 1897. F.B. Stoner, Clerk.

In the United States Court for the Central District of
the Indian Territory, at South McAlester,

Nancy Ann Fletcher Willis, Plaintiff,

vs.

ANSWER.

The Choctaw Nation,

Defendant.

Comes now the Choctaw Nation, by its attorneys, and for answer
to the petition for appeal filed by the plaintiff herein, and demurs to

the petition for appeal filed herein, and says that this court ought not to consider said appeal, for the reason that there is no law authorizing such proceeding, of which the Choctaw Nation prays the judgment of this court.

Wm. M. Gravens,

Stuart, Gordon & Hailey,

Attorneys for Choctaw Nation.

Endorsed: No. 2. Nancy Ann Fletcher Willis, plaintiff, vs The Choctaw Nation, defendant. Filed Feb. 10, 1897. P.B. Stoner, Clerk.
Answer.

In the United States Court on the Indian Territory,
Central District, at South McAlester.

Nancy A.F. Willis, et al.,
Plaintiff,

vs.

Report of Master in Chancery.

The Choctaw Nation,
Defendant.

This cause was duly and regularly filed before the Choctaw Council. The Choctaw Council rejected applicants November 3, 1896, from which the applicants duly appealed to this court.

I find from the evidence that plaintiff, Nancy A.F. Willis, is a 3/32 blood Choctaw Indian; that she and her children named in the her application for citizenship have continuously resided in the Choctaw Nation, Indian Territory, for 18 or 19 years, and those not born here were minors when they came or were brought in here, those of her children younger than that having been born here. But the evidence does not show where she came from, but shows her to be related to recognized members of the Choctaw tribe or Nation, resident here.

Respectfully submitted, this 26th day of August, 1897.

W.B. Rutherford,

Special Master in Chancery.

Endorsed: 2 Nancy A.F. Willis vs. Choctaw Nation. Report of Special Master in Chancery. Filed in open court Aug. 28, 1897. S.J. Palmer, Clerk.

C O P Y.

The depositions of Nancy Ann Fletcher Willis, Jennie Nelson, Henry Perkins, and Elsie Perkins, taken on the 15th day of July, 1897, between the hours of 8 o'clock A.M. and six o'clock P.M., at the office of J.L. Hunter, in the town of Caddo, central district of the Indian Territory, to be read as evidence in an action between Nancy Ann Fletcher Willis, plaintiff, and the Choctaw Nation, defendant, pending in the U.S. Court for the central judicial district of the Ind. Ter., at South McAlester.

My name is Nancy Ann Fletcher Willis; my post office is Caddo, I.T. am 51 years old; have lived in Caddo and vicinity 18 or 19 years; I am a Choctaw Indian; I am a claimant for citizenship; my mother was part Choctaw Indian, and she was the daughter of Mary and Wm. Pace. My grandmother's name was Mary Folsom, and she was the daughter of King Folsom, and to the best of my knowledge and information he was a full blood Choctaw Indian; have always claimed to be a Choctaw Indian; I have 7 children by my husband, N.O. Willis, as follows: Mary Bulah McGuire, aged 23; George Wright Willis, aged 26; Fletcher Eloise Bloom, aged 24; Carey Phelix Willis, aged 21 yrs; James Homer Willis, aged 18; Clara Beatrice Willis, aged 13; Bolin Cleveland Willis, aged 11 years; all the above named children are living in the Choctaw Nation at Caddo, and all are unmarried except Mary Bulah McGuire and Fletcher Eloise Bloom, who have married white men and have children as follows: Robt. McGuire, aged 7 yrs; Florence McGuire, aged 5 years; Anna Bloom, aged 5 years; Earl Bloom, aged 3 years; Eloy Bloom, aged 3 months.

Nancy Ann F. Willis.

My name is Jennie Nelson; I live down on Bayou, near Durant. My post office is Utica, I.T. Lived in Choctaw Nation about 57 years; was born here; am a full blood Choctaw Indian. I have seen and

knew King Folsom, who was a Choctaw Indian by blood; I have seen and knew Mary Folsom, the daughter of King Folsom; have not seen her for a good many years; Mary Folsom married a man living near Ft. Smith, Ark. a good many years ago; I afterwards learned that the name of the white man who married Mary Folsom, the daughter of King Folsom, was named Billy Pace. I did not live near Billy and Mary Pace and do not know of my own personal knowledge whether Mrs. Nancy Ann Fletcher Willis is their grand daughter or not, but it is a general belief, and I've learned from others that she was their grand daughter. I am not in any way related to the Folsoms or Pace and have no interest in this case.

Jennie Nelson. Her + mark.

Witness: Peter Bloom;
S.W. Maytubby.

I, S.W. Maytubby, after being duly sworn, state that I did interpret the above statements of Jennie Nelson correctly, as she made them to me.

S.W. Maytubby.

My name is Henry Perkins; post office is Caney, I.T. My age is 57 years; I am a 3/4 blood Choctaw Indian; was born in the Choctaw Nation; lived here all my life; am personally acquainted with Mrs. Nancy Ann Fletcher Willis, and have known her 7 years; during which time she has lived in the Choctaw Nation. I know that she is a grand daughter of Mary Folsom, who was a daughter of King Folsom a 3/4 blood Choctaw Indian, and he is my uncle. Mary Folsom married Billie Pace.

Henry H. Perkins.

My name is Elsie Perkins; post office is Caney, I.T. Age is 72 years; I am a 3/4 blood Choctaw Indian; was born in Mississippi; lived in the Choctaw Nation since 1881; am personally acquainted with

Mrs. Nancy Fletcher Willis; have known her 7 years, during which time she has lived in the Choctaw Nation; I know that she is a grand daughter of Mary Folsom, a half blood Choctaw Indian, whose father was King Folsom; he, Folsom, was my brother; he was a 3/4 blood Choctaw Indian.

Elsie Perkins. Her + mark.

Witness:

Peter Bloom.
J.J. Banton.

Ind. Territory.

Central Judicial District.

I, J.L. Hunter, a Notary Public in and for the central judicial district of the Indian Territory, do certify that the foregoing depositions of Nancy Ann F. Willis, Jennie Nelson, Henry Perkins and Elsie Perkins, were taken before me, and was read to and subscribed by them in my presence at the time and place and in the action mentioned in the caption; the said Nancy A.F. Willis, Jennie Nelson, Henry Perkins and Elsie Perkins having been first sworn by me that the evidence they should give in the action should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me in their presence, the plaintiff and her attys. being present at the examination.

And I also certify that the words "57" and "here all my life" erased and the words "72" and "in the Choctaw Nation since 1881" inserted, were made and done by deponents request.

Given under my hand this the 15th day of July, 1897.

J.L. Hunter.

(SEAL)

W.P. Cent. Jud. Dist.

C O P Y.

Nancy A.F. Willis, et al.,
Plaintiffs,

vs.

Exceptions to Master's Report,

Choctaw Nation, Defendant.

Comes now the defendant and excepts to the report of the Master in Chancery herein, as to all that portion of said report in which said Master finds that the application herein was duly and regularly made to the Choctaw Council, for the reason that there is no evidence nor pleading to support such finding.

Stuart, Gordon & Bailey,

Attorneys for defendant.

Endorsed: No. 2. N.A.F. Willis, et al. vs Choctaw Nation. Except to Master's Report. Filed in open Court Aug. 26, 1897. E.J. Fannin, Clerk.

Nancy A.F. Willis, et al., Plaintiffs,

vs.

Motion for Judgment.

Choctaw Nation, Defendants.

Comes now the defendant herein and moves the court to dismiss this cause for the following reasons:

That the court has no jurisdiction to hear and determine this cause, for the reason that the original application for citizenship herein was not filed until the first Monday in October, 1896, and after the time for filing such applications under the law had expired.

Wherefore, the premises considered, defendant prays that this cause be dismissed.

Stuart, Gordon & Bailey,

Attys. for defendant.

Endorsed: No. 2. Nancy A.F. Willis, et al. vs Choctaw Nation, Motion for judgment. Filed in Open Court Aug. 26, 1897. E.J. Fannin, Clerk.

C O P Y.

On August 25, 1897, being a day of the regular April, 1897, term of the United States Court for the central district of the Indian Territory at South McAlester, the following order was made and entered of record:

Nancy A.F. Willis,

vs

2

Choctaw Nation.

It is ordered by the court that the above entitled cause be referred to W.B. Rutherford, as Special Master in Chancery.

And on August 26, 1897, being a day of said April term of Court, the following order was made and entered of record:

N.A.F. Willis, et al.,

vs

2

Choctaw Nation.

Now comes the Special Master in Chancery herein, and presents his report in the above entitled cause; and is by the court ordered filed; and the court after being well and fully advised in the premises, doth sustain said report, and doth order and adjudge that the defendant, the Choctaw Nation, have judgment in the above entitled cause. To which action of the court in sustaining said report and granting judgment for defendant in this case, the plaintiff then and there at the time duly excepted, and still excepts; and asks leave of the court to file their motion for a new trial which is by the court granted, and the plaintiffs allowed time in which to file said motion for a new trial.

And on January 18th, 1898, being a day of the regular September, 1897, term of said court, the following order was made and entered of record:

Fredy A.F. Wallin

2 vs

Motion for W.T. overruled.

Choctaw Nation.

On this day comes on to be heard the motion for a new trial heretofore filed in this cause, and the court being well and sufficiently advised in the premises, doth overrule said motion, to which ruling of the court defendant excepts, and asks and is granted ten days in which to file bill of exceptions.

In the United States Court for the cent. Jud. Dist. of the
Indian Territory. June Term, 1897, at South McAlester.

Nancy Ann Fletcher Willis, et al.,

vs.

Notice to take Depositions.

Chocotaw Nation.

To the Chocotaw Nation, the above named defendant, and Stuart,
Gordon & Hailey, and Wm. M. Cravens, attys. of record for said above
named def.

You are hereby notified that the depositions of witnesses to
be used as evidence in the above styled cause on the part of the
plaintiff will be taken at Gaddo, in the office of J.L. Hunter, in
the cent. jud. dist. of the Indian Territory, between the hours of
eight o'clock in the forenoon and six in the afternoon, on the
14th day of July, A.D. 1897, and that the taking of said depositions,
if not completed on said day, will be continued from day to day
at the same place and between the same hours, until completed.

Ranton & McPharren,

Attys. for plaintiffs.

South McAlester, Ind. Ter., July 1, 1897.

Service of the above notice is hereby waived.

Stuart, Gordon & Hailey,

Attys. for defendant.

Endorsed:

Nancy Ann F. Willis, et al. vs The Chocotaw Nation. Depositions
of Nancy A.F. Willis, Jennie Nelson, Henry Perkins and Elsie Perkins.
Filed Jul 19, 1897. H.J. Farnin, Clerk.

C O P Y.

Indian Territory,)
Central District.)

I hereby certify that the foregoing is a true and complete copy of the record and judgment of court in case of Nancy Ann Fletcher Willis vs Choctaw Nation, as appears from papers on file in the office of E.J. Fannin, Clerk of U.S. Court at So. McAlester, I.T.

Witness my hand and seal this 8th day of August, 1900.

(Signed) James E. Gresham,

Notary Public,

Cent. Dist. Ind. Ter.

(SEAL)

Endorsed:

Department of the Interior,
Commission to the Five Civilized Tribes.

F I L E D

JUN 18 1902.

Tame Bixby, Acting Chairman.

C O P Y.

Caddo, Ind. Ter., March 4th 1902.

AFFIDAVIT — NANCY A. WILLIS.

I Nancy A. Willis of Caddo, I.T. being first duly sworn—
says that, Eloy Kennett Bloom, her grandchild by blood, was born
at Caddo, Choctaw Nation, I.T. on May 28th 1897.

And that her grandchild Elsie Ruth Bloom sister to
Eloy Kennet, was born at Caddo, Choctaw Nation, I.T. on the 25th
day of September 1899., and are here presented for enrollment.

Witness my hand.

Signed.. Nancy A. Willis.

Sworn to and Subscribed in my presence this 4th day of March 1902.

(Signed) J.L. Rappolee, Notary Public.

Seal.

Endorsed on back:

3 1 6 5

Department of the Interior,
Commission to the
Five Civilized Tribes,
F I L E D
JUN 16 1902
Tams Birby, Acting Chairman.

7-R-332.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of Nancy A. Willis,
et al. for enrollment as citizens by blood of the Choctaw Nation.

-- : D E C I S I O N : --

It appears from the record in this case that during the month of August, 1899, Nancy A. Willis appeared before this Commission at Caddo, Indian Territory, and made personal application for enrollment as a citizen by blood of the Choctaw Nation. Subsequent thereto, on June 26, 1902, written application was made for the enrollment of her two minor grandchildren, Elif Kennett Bloom and Eloise Ruth Bloom, as citizens by blood of the Choctaw Nation.

It appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that the applicants herein have never been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

Upon an examination of the tribal rolls of the Choctaw Nation now in the possession of the Commission the names of none of the applicants are found thereon.

It appears from the record herein that during the month of October, 1896, the plaintiff, as Nancy Ann Fletcher Willis, made application to the Choctaw citizenship committee for admission to citizenship in the Choctaw Nation. On November 3, 1896, by resolution, the Choctaw Council rejected the application of the said Nancy Ann Fletcher Willis, which resolution by limitation became a law November 6, 1896. Thereafter, on December 28, 1896, an appeal was taken to the United States Court for the Central District of Indian Territory, which court in the case of Nancy A. F. Willis, vs. the Choctaw Nation (citizenship case number 2) dismissed said appeal on the ground that the application for admission to citizenship in the Choctaw Nation, was filed with the Choctaw citizenship committee after their jurisdiction to receive the same had expired.

For the purpose of protecting any rights the applicants herein might have as Mississippi Choctaws, under the following

provision of the act of Congress approved June 28, 1898 (30 Stat. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicants herein were, on February 20, 1902, notified by registered mail that they would be allowed thirty days from that date within which to set forth that they claimed a right to identification as Mississippi Choctaws. A copy of said notice is attached hereto and made a part of the record in this case.

In response thereto there was filed with this Commission a certified copy of the record in the case of Nancy A. V. Willis vs. the Choctaw Nation (citizenship case number 2) above cited, wherein it appears that the applicants herein are descendants of King Folsom, a three-quarter blood Mississippi Choctaw Indian.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said King Folsom, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat. 180) and August 23, 1842 (5 Stat. 513).

It is, therefore, the opinion of this Commission that the application made for the identification of Nancy A. Willis, Elof Kennett Bloom and Eloise Ruth Bloom, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty should be refused.

It is the further opinion of this Commission that the application made for the enrollment of Nancy A. Willis, Elof Kennett Bloom and Eloise Ruth Bloom, for enrollment as citizens by blood of the Choctaw Nation, should be denied under the provisions of the act of Congress approved June 28, 1898 (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner

Commissioner

Muskogee, Indian Territory,

JAN 19 1906

Choctaw R332

COPY.

Muskogee, Indian Territory, January 19, 1905.

Nancy A. Willis,

Cadde, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 19, 1905, denying the application for the enrollment of yourself and two grand children, Eloy Kennett Bloom and Eloise Ruth Bloom as citizens by blood of the Choctaw Nation, and also for identification as Mississippi Choctaws.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Jane Birby

CHAIRMAN.

Registered,

Incl. 7-R-332.

Choctaw R 332

COPY.

Muskogee, Indian Territory, January 19, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 19, 1905, denying the application of Nancy A. Willis, Elof Kennett Bloom and Eloise Ruth Bloom for enrollment as citizens by blood of the Choctaw Nation, and for identification as Mississippi Choctaws.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Bixby

CHAIRMAN.

Incl. 7-R-332

COPY.

Muskogee, Indian Territory, January 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record in the matter of the application of Nancy A. Willis, Eloy Kennett Bloom and Eloise Ruth Bloom as citizens by blood of the Choctaw Nation, and also for identification as Mississippi Choctaws, including the decision of the Commission, dated January 19, 1905, denying said application.

Respectfully,

[SIGNED]

Tamm Bixby

CHAIRMAN.

Through the
Commissioner of Indian Affairs.

2 Incl. 7-R-332.

Land.
5856-1905.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 19, 1905, transmitting the record of the application for enrollment as citizens by blood of the Choctaw Nation by Nancy A. Willis for herself and for her two minor grand children, Elor Kennett Bloom and Eloise Ruth Bloom.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants has ever been enrolled or admitted to citizenship by any legal tribal authority of the Choctaw Nation or by any United States tribunal.

It further appears from the record that in October, 1896, the applicant, as Nancy Ann Fletcher Willis, made application to the Choctaw citizenship committee for admission to citizenship which was rejected by the Choctaw council November 3, 1896. Thereafter, on December 28, 1896, an appeal was taken to the United States Court, Central District, Indian Territory which court dismissed said appeal on the ground that the application was filed with the Choctaw citizenship committee after their

jurisdiction to receive the same had expired.

It further appears that the applicants are the descendants of King Folsom, a three-quarter blood Mississippi Choctaw Indian.

It does not appear from the record, or from the records of this office, relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek and to persons who heretofore were claimants thereunder, that the said King Folsom, or an ancestor less remote, signified to any person an intention to comply with the provisions of said article 14 or presented a claim to rights under that or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M. M. M.
W.

(COPY)
G. R. RJH

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

March 20, 1905.

D. C. 14892-1905.
I. T. D. 2644-1905.
L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

January 19, 1905, you transmitted the record of the application of Nancy A. Willis, for the enrollment of herself and her two minor grandchildren, Eloy Kennett Bloom and Eloise Ruth Bloom, as citizens by blood of the Choctaw Nation, including your decision dated January 19, 1905, adverse to all the applicants.

March 14, 1905, the Acting Commissioner of Indian Affairs, reporting in the matter, recommended that your decision, adverse to all the applicants, be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation made, and your decision dated January 19, 1905, denying the application of Nancy A. Willis for the identification of herself and her two minor grandchildren, Eloy Kennett Bloom and Eloise Ruth Bloom, as Mississippi Choctaws, is hereby affirmed, and your decision of same date, denying the application of Nancy A. Willis for the enrollment of herself and her two minor grandchildren, Eloy Kennett Bloom and Eloise Ruth Bloom, as citizens by blood of

--2--

the Cheong Natic, is also affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

Cheotaw R-332

COPY.

Muskogee, Indian Territory, March 30, 1905.

Nancy A. Willis,

Cadde, Indian Territory,

Dear Madam:

You are hereby notified that on the 20th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered January 19, 1905, denying the application for the enrollment of yourself and two grandchildren, Eloy Kennett Bloom and Eloise Ruth Bloom, as citizens by blood of the Cheotaw Nation, and also for identification as Mississippi Cheotaws.

Respectfully,

(FROM DESK)

Tams Bixby

Chairman.

Chectaw R-332

COPY.

Muskogee, Indian Territory, March 30, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Chectaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby notified that on the 20th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered January 19, 1905, denying the application for the enrollment of Nancy A. Willis, Elef Kennett Bloom and Eloise Ruth Bloom as citizens by blood of the Chectaw Nation, and for identification as Mississippi Chectaws.

Respectfully,

SIGNED,

Fame Bixby
Chairman.

Muskogee, Indian Territory, March 13, 1902.

Nancy A. Willis,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant, replying to our communication of February 20, 1902, advising that you would be allowed thirty days from that date within which to submit an affidavit corroborated by two witnesses showing that you are entitled to be identified as a Mississippi Choctaw under the provisions of the twenty-first section of the act of Congress of June 23, 1896.

With your letter of March 4, 1902, you submit your affidavit showing that Elief Kennett Bloom, your grand-child, was born at Caddo, Indian Territory, on May 6, 1897 and that Eloise Ruth Bloom, your grand-child was born at Caddo, Indian Territory, September 26, 1899 and you present their names for enrollment as citizens of the Choctaw Nation.

You also enclose a certified copy of the record and judgment of the United States Court for the Central District of the Indian Territory in the case of Nancy Ann Fletcher Willis vs the Choctaw Nation as the same appear in the office of the Clerk of the United States Court for the Central District, Indian Territory.

N A V 2

The same are returned to you herewith for the reason that they cannot be received by the Commission at this time for the reason that they are not material to the matter treated on in our letter of February 20, 1902 and cannot therefore be received for consideration.

You were advised in our communication of February 20, 1902, that you would be permitted thirty days from the date thereof within which to submit affidavits alleging that you are entitled to be identified as the descendant of a Choctaw Indian who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

The Commission cannot consider written applications of persons for identification as Mississippi Choctaws and if it is your intention to prosecute such rights as you may have to such identification, you should submit an affidavit setting forth such fact, corroborated by two witnesses as required by our letter of February 20, 1902 but should no such affidavit be received by the Commission within the time specified, it will be our presumption that it is not your intention to prosecute any rights that you might have as a Mississippi Choctaw and the Commission will then take up for consideration and pass upon your rights to enrollment as a citizen of the Choctaw Nation.

In order that a proper record may be made of your appli-

Y A W 3

ation for identification as a Mississippi Choctaw, it will be requisite that you present yourself in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of examination under oath and until such appearance no record can be made or consideration given said application.

Yours truly,

Commissioner in Charge.

Enc Y 75

Copy.

Choctaw R-332.

Muskogee, Indian Territory, June 5, 1902.

Nancy A. Willis,
Caddo, Indian Territory.

Dear Madam:

Referring to a letter of the Commission to you of March 13th last, returning you a certified copy of the record and judgment of the United States Court for the Central District of the Indian Territory, in the case of Nancy Ann Fletcher Willis vs the Choctaw Nation, you are advised that the Commission would be glad to have you return this document for further consideration.

Yours truly

Commissioner in Charge.

Muskogee, Indian Territory, April 17, 1903.

Nancy A. Willis,

Caddo, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of April 13, asking if you and your children should appear at the land office for the purpose of filing on your allotments, and in reply you are advised that it appears from our records that you are an applicant to this Commission for the enrollment of yourself and your grandchildren, Eloy Kennett and Eloise Ruth Bloom, and your final right to such enrollment has not yet been determined.

For your information there is inclosed you herewith a copy of the rules and regulations of the Commission governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, and your attention is especially invited to rule fifteen of said regulations.

As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Chairman.

Rules for allotment.

7-2-352.

Waskages, Indian Territory, May 1, 1905.

Nancy A. Willis,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 25th, in which you state that you did not know that your children, Bulah M. McGuire, George W. Willis, Elsie F. Bloom, Cary F. Willis, James Homer Willis, Bolen C. Willis and Clara B. Willis, were not included in your application for enrollment as a citizen of the Choctaw Nation, and ask that their applications be considered in connection with your own.

In reply to your letter, you are advised that it appears from our records that Nancy A. Willis is an applicant to this Commission for the enrollment of herself and her grandchildren, Elor Kennett and Elsie Ruth Bloom, as citizens of the Choctaw Nation.

It does not appear from our records that any application has ever been made to this Commission personally by any of your children above named. You are informed that under the provisions of the act of Congress approved July 1, 1903, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25,

P. A. V. 2

1902, the rolls of citizens of the Choctaw Nation closed as of September 25, 1902, and on December 24, 1902, the ninety days specified in said act within which the Commission could receive and consider applications for enrollment in said nation expired; and since that date the Commission has been without authority to receive or consider any original applications for enrollment in the Choctaw Nation.

Respectfully,

Chairman.

R 333

Elijah Williams et al
vs
Choctaw Nation

Record transferred to Choctaw
Card R # 735 also R # 743.

R 334.

Royal Williams

vs

Choctaw Nation

Record transferred to Choctaw
Card # 2515.

Choc. R. 335

F. A. Williams

R. 335

J. A. WILLIAMS ETAL

In. to Card R. 73²

*See case Margaret R. Hanna
and Sarah J. Henry et al*

335
336
337
338
339
340

George et al with others cases

** 335 336 337 338 339 et al*

CANCELLED

See Chertaw and # R. 732.
" " # R. 734
" " # R. 741
" " # R. 742
" " # R. 735
" " # R. 743
" " # R. 736
" " # R. 744
" " # R. 745
" " # R. 733, R. 738
R. 739, R. 740, R. 737 and R. 746.

CHOCTAW.

R. 335

F. A. Williams, et al

*Record transferred to Choctaw
R. 732.*

Choc. R. 336

Mrs. E. J. Brown

R. 336

OCTAW

R-336

Mr. E. J. Brown

Refuge Card No. R-335

R-734

R-746

R-742

Missing

2/17/41

336

HOCTAW

R-337

Williams, Eliza

Repts to Card # R-335

R-333

R-735

R-743

Missing

2/17/41

337

HOCTAW

R-338

Brown, Mrs. Almada C. et al

Refugee Card # R-535

Missing

2/7/41

338

HOCTAW

R-339

Harry, Mrs S. G. et al

Appt to Carls H

R-335

R-733

R-738

Missing

R-739

2/17/41

OCTAW

R- 340

Farrell, Mrs. Margaret L.

Refer to Card R. 335

Is. to M. C. R. #2

Missing

2/17/41

~~CHL~~ STAY

R. 341

Dora Williams

R-341

FOR IDENTIFICATION AS
A MISSISSIPPI PROCTAY.

REFER TO M. C. R. #415

Choc. R. 342

M. A. Williams

R. 342

REFUSED

MAY 9 1902

COPY OF DECISION FORWARDED APPLICANT

MAY 9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAY 9 1902

RECORD FORWARDED DEPARTMENT

MAY 9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

June
MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 23 1902

Commission to the Five Civilized Tribes,

Calvin, Indian Territory.

In the enrollment of M. A. Williams as Choctaw by blood;
being sworn and examined by com'r McKennon he testifies:

Q What is your name? A M. A. Williams.

Q How old are you? A You asked me a question I cannot tell you.

Q Can you tell something in the neighborhood of what you are?

A I might tell something and it wouldn't be so.

Q Are you more than sixty years of age? A I don't suppose I am.

Q Are you more than fifty years of age? A Oh yes, I am older than that I am satisfied.

Q Are you on any roll of the Choctaw Nation?

A No sir.

Q You claim in the Choctaw do you? A Yes sir.

Q (Com'r Lewis) Choctaw by blood? A Yes sir.

Enrollment refused on the ground that applicant
is not on the Choctaw rolls.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer, to the above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of M. A. Williams for enrollment as a citizen by blood of the Choctaw Nation.

DECISION.

It appears from the record in this case that the applicant, M. A. Williams, appeared before the Commission at Calvin, Indian Territory, during its session thereat beginning August 7, 1899, and ending August 11, 1899, and then and there made personal application for the enrollment of himself as a citizen by blood of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation by the Commission, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protesting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was, on the 20th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), and a portion of section 21 thereof, provides as follows:

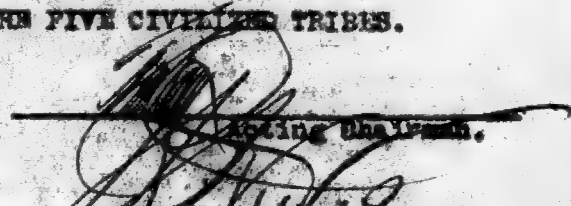

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), and a portion of the second paragraph thereof, provides as follows:

"That said commission shall continue to exercise a l authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe of Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that M. A. Williams is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that his application therefor should be refused; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAY -9 1902

Chectaw R 342

COPY.

Muskogee, Indian Territory, May 9, 1902.

M. A. Williams,

Calvin, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED *I. B. Needles.*

Commissioner in Charge.

Enc T 12

Register.

Chectaw R 342.

COPY.

Muskogee, Indian Territory, May 9, 1902.

Mansfield, McMurray & Gornish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of M. A. Williams as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED: *T. B. Needles.*

Commissioner in Charge.

Enc Y 13

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of M. A. Williams for enrollment as a citizen of the Chectaw Nation, including the decision of the Commission, dated May 9, 1902, refusing the application for the enrollment of M. A. Williams as a citizen of said nation.

Respectfully,

SIGNED *I. B. Needles.*

Commissioner in Charge.

1 inclosure.

Through the Commissioner of Indian Affairs.

Land
29, 240-1902.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Washington. May 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir: I have the honor to transmit, herewith, for Departmental consideration, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of M.A. Williams for enrollment as a Choctaw citizen. The Commission ruled adversely to this applicant.

It appears from the record and testimony that the applicant was never enrolled, admitted or recognized as a citizen of the Choctaw Nation and it does not appear that this applicant claims as a Mississippi Choctaws.

The Commission held that it had no authority under existing law to enroll the applicant herein.

This office concurs in the decision of the Commission and respectfully recommends that said decision be approved.

Very respectfully,
Your obedient servant,

(E.S.S.) P.

A.C. Tonner,
Acting Commissioner.

COPY.

DC 10026-1902.

34088

DEPARTMENT OF THE INTERIOR.

Washington.

June 9, 1902.

I.T.D.3386-1902.

L.R.E.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 9, 1902, you transmitted the record in matter of application for enrollment of M. A. Williams as a Choctaw citizen. You refused the application because applicant has never been duly enrolled or admitted to citizenship in the Choctaw Nation. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan
Acting Secretary.

R.M.D.

1 enclosure.

Choc. R 342

COPY.

Muskogee, Indian Territory, June 23, 1902.

M. A. Williams,

Calvin, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 10, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

I. B. Needles.

(SIGNED).

Commissioner in Charge.

COPY.

Chas. R 342

Muskogee, Indian Territory, June 23, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by H. A. Williams for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



M. A. Williams,
Galvan,

Indian Territory.

Return to Writer

2628

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



M. A. Williams

Galvan

J. J.

7406

UNCLAIMED

Reg No 59
59

R. 34.

Elijah Williams.

Record transferred to Chas.
* R. 833.

R-34

William J. Williams

R-344

Transferred to Choctaw

#4355 DEC 31 1904

Choc. R. 345

Oza Wingfield

R. 345

In the matter of the application
of Oza Wingfield, et al., for em-
ment as citizens by blood of the
Choctaw Nation.

*See 102 - Duplicate record
and 75*
REFUSED. MAY -9 1902

**COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902**

**COPY OF DECISION FORWARDED
FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902**

**COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT. MAY 9 1902**

BOARD FORWARDED DEPARTMENT MAY -9 1902

APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

**OFFICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902**

**OFFICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902**

**OFFICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. JUN 23 1902**

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Terr., June 7, 1900.

In the Matter of the Application of Osa Wingfield et al, ~~XXXX~~ for enrollment as Citizens of the Choctaw Nation. : Choc- 346. R.
: :
: :
-----: :
: :

Osa Wingfield, being first duly sworn, by Acting Chairman Birby testified as follows:

- Q What is your name? A Osa Wingfield.
Q What is your age? A 25 years.
Q What is your postoffice address? A Allen, I. T.
Q Do you live at Allen? A Yes, a mile and a half SW of Allen.
Q What is the name of your father? A Samuel C. Williams.
Q Is he living? A No sir.
Q Was he a citizen of the U. S.? A No sir.
Q Did he claim to be Choctaw Indian by blood? A Yes sir.
Q Was his name ever on the rolls of the Choctaw Nation? A Not that I know of.
Q What county in the Choctaw Nation did he claim to belong to?
A Eagle Co.
Q Did he live in Eagle Co.? A Yes sir.
Q What is the name of your mother? A Her maiden name was Paralee Huff.
Q Is she living? A No sir.
Q Was she a citizen of the U. S.? A Yes sir.
Q What county in the Nation do you claim to belong to? A Atoka Co.
Q How long have you lived in the Ind. Terr.? A Ever since I can remember.
Q Have you been outside of the Territory during the past 3 years?
A No sir.
Q Have you ever been enrolled by the tribal authorities of the Choctaw Nation? A No sir.
Q Did you ever apply to the Choctaw tribal authorities for enrollment as a Choctaw Indian by blood? A No sir.--there was an application filed, but it was not acted upon, in '97.
Q Where was it filed? A In Muskogee, I. T.
Q Are you quite sure it was never acted upon? A Never, to my knowledge; I never heard of it.
Q Did you apply to the Dawes Commission in '96? A No sir.
Q Is this first time you ever made application for enrollment as a Choctaw? A No sir.
Q When did you first apply? A Last year, the 1st of June.
Q Before this Commission? A Yes sir.
Q And you were refused--A They never allowed us to come before them. We went to Vister.
Q Did you testify? A I did at Cabin on the 8th day of August.
Q And this is the third time you have appeared before this Commission?
A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A 1/8
Q Is your name on the Choctaw rolls? A No sir.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Wm. J. Wingfield.
Q Is your husband a citizen of the U. S.? A Yes sir.
Q Are you claiming rights for him? A No sir.
Q Do you remember when you were married? A Yes sir.
Q What is the date? A 25th of July, 1898.
Q Where? A In Lenore Co, Ark.

B-Wingfield.

- Q Were you living in Ark. when you was married? A No, I was living in the Nation, but we went to Ark. to get married.
- Q Why? A Because my husband lived in Ark.
- Q Have you any children? A I have 3.
- Q Under 21 years of age? A Yes sir.
- Q What are their names and ages? A Emily C., 8 years, Sam'l W., 5 years, and Wm. G. 3 years.
- Q Are these children living with you? A Yes sir.
- Q And their postoffice is the same as yours? A Yes sir.
- Q Is there any additional testimony which you desire to offer in regard to your case at this time? A Nothing, only that I went to school with the Indians when I was a child, and I was granted a license to teach school in the Choctaw Nation as a Choctaw.
- Q You will be permitted to file any additional statements, affidavits or other proper papers if you desire to do so. This testimony and such papers as you may care to file with the Commission, will be forwarded to the Secretary of the Interior for his examination when the rolls of the citizens of the Choctaw nation are sent to him for his approval.

Helvin Cornish, being first duly sworn, made the following statement:

I have heard the testimony of the applicant, and have observed her general appearance. She has the appearance of a white person and not of an Indian.

Interrogatories by Atty. Lindley.

- Q State your profession--your business? A I am a lawyer.
- Q By whom are you employed at present? A The Choctaw and Chickasaw Nation.
- Q You are the attorney for the Choctaw Nation? A Yes sir.
- Q You are also employed to do the swearing for them? (No answer.)

By Mr. Bixby:

Your application for the enrollment of yourself and your children as citizens by blood of the Choctaw Nation is refused for the reason that our name and the names of your children do not appear on the rolls of the Choctaw Nation now in the possession of this Commission, and for the further reason that it does not appear that either you or your children have ever been recognized by the Choctaw tribal authorities as Choctaw Indians by blood, or that you have been admitted by the Commission to the Five Civilized Tribes under the Act of June 10, 1896, or by a judgment of the U. S. Court for the Indian Territory.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witnesses, and that the foregoing transcript is a true and complete transcript of all the testimony given by said witnesses.

Frances R. Brown

Subscribed in my presence and sworn to before me this 13th day of June, A. D., 1900.



Acting Chairman

COPY.

United States of America,
Indian Territory,
Central District.

James C. Johnson, being first duly sworn on oath states; I am the same James C. Johnson that made application, in 1896 for myself and family and for others of my relatives, a certified copy of which said applications is attached to this case, and I am the person mentioned in the certified copy of the judgment attached to the case of the applicant herein. Affiant further states, that in pursuance of said judgment he was by the Dawes Commission, together with all the other applicants named therein, placed on the final roll as a member of the Choctaw tribe of Indians in the Indian Territory, by blood.

Affiant further states, that the applicant herein is a Choctaw Indian by blood, and the daughter of Samuel Williams, and that Samuel Williams and affiant's mother were full brother and sister; and that this applicant has on the final roll, as made by the Dawes Commission, two full sisters and one brother; that their names are Lena Williams, Samuel O. Williams and L. C. McKinley, all of whose names appear in the said judgment hereto attached.

Affiant further states that he has known the applicant herein all of her life, ~~in~~ and that she has always resided in the Choctaw Nation, except possibly a few months, when out temporarily, and that she has always been considered a Choctaw Indian by all who knew her both Indians and Whites, and that her said father had a home on the public domain, which his children inherited, and have since his death held as Choctaw Indians; that they have also had homes of their own on the public domain, and now have and are holding same unmolested by the Choctaw officials.

Affiant further states that when he made his application to the Dawes Commission in 1896, that he made every effort in his power to find the applicant herein, so as to have her make an application at the same time with his; but that she was living at a great distance off from the Rail-Road, he did not know exactly where, and although he wrote her, not knowing just where to send it to, it did not reach her until it was too late to make her application, as provided in the law of June 10, 1896.

Your affiant further states, that he was present, when the applicant herein appeared before the Dawes Commission, and that he heard Mr. Cornish the Attorney for the Choctaw nation, appear as a witness for said Nation and state that the "applicant's personal appearance was that of a white person" which I desire to state is untrue; The applicant herein, being a first cousin of mine, is like myself, a great grand-child of MACHULATUBER, an Indian Chief, whose name appears as such, second among the signers of the treaty of 1830. Applicant not only has the hair, eyes and features of an Indian, but has the complexion also. I have been with the Indians all my life and know one when I see them, if they look like an Indian at all, and the applicant herein certainly looks like the indian that she is and more than she claims; in fact she looks so much like an indian that it would be impossible for her to make any intelligent person that had ever seen an indian believe that she was anything but one.

(Signed) James C. Johnson.

Subscribed and sworn to before me this the 6th day of Aug. 1900.

(SEAL)

J. L. Moore,
Notary Public.

United States of America,
Indian Territory,
Central District.

Laura C. Messersmith, being first duly sworn states;
I am the same person whose name appears in an application to the Dawes Commission in 1896, certified copies of which are hereto attached, and also in the judgment of the U.S. Court, certified copy of which is hereto attached, as D.C. McKinley; since ^Lwhich time I have been duly and lawfully married to C. Messersmith.

Affiant further states, that in pursuance of said judgment she was by the Dawes Commission, together with all the other applicants, named therein, placed on the final roll as a member, by blood of the Choctaw tribe of Indians in the Indian Territory.

Affiant further states, that the applicant herein is a Choctaw Indian by blood, and a daughter of Samuel Williams, and her full sister, and that the applicant herein has, on the final roll of the Choctaw tribe, as made by the Dawes Commission, a full brother and sister in addition to your affiant; the names are Samuel C. Williams and Lena Williams, whose names appear in the certified copies of the files and judgment attached to her case.

Affiant further states, that her father Samuel Williams, who is also the father of the applicant herein, had a home on the public domain, in Eagle County, Choctaw Nation, I. T.; and that it was on this home that the applicant herein was born and raised, and where she lived until her marriage. That her father's right to hold land as an Indian was never questioned, that she ever heard of, and she is now ----- years old, and that the heirs of the said Samuel Williams, have inherited and held the same since his death, as Indians and are now holding it.

The applicant has also had a home at different times of her own, as an Indian, on the public domain, and has one now, which she enjoys the same as other Choctaws. No one ever disputed the fact that we were Choctaw Indians, and the Choctaw Nation never contested our case in before the Dawes Commission or in the United

States Court.

Affiant further states, that she was present when the applicant appeared before the Dawes Commission, at Atoka, I.T. and that she heard Mr. Cornish, one of the attorneys for the Choctaw Nation, appear as a witness for said Nation and state that "the appearance of the applicant was that of a white person" which I desire to state is untrue. The applicant herein being a full sister of mine is like myself, a great grand-child of MACHULATUBBE, who was an indian chief, and whose name appears as such second among the signers of the treaty of 1830.

Applicant not only has the hair, eyes and features of an indian, but has the complection also. I have been with the indians all my life and know one when I see it, if they look like an indian at all, and the applicant herein certainly looks like the indian that she is, and more than she claims; in fact she looks so much like an indian that it would be impossible for her to make an intelligent person, that had ever seen an indian believe that she was any thing but one.

AFFIANT further states that the applicant herein is now and has always been a bona fide resident of the Choctaw Nation, that she has never been outside of the same except temporarily, and then only for a short time.

(Signed) Laura C. Messersmith.

Subscribed and sworn to before me this the 7 day of Aug. 1900.

John A. Clark,
Notary Public.

(SEAL)

United States of America,
Indian Territory, Central District.

Henry Shields being first duly sworn on
Mary Jones
path, states, my age is 23 years, and my Post Office is Allen,
27
I. T. I am a citizen and member of the Choctaw Tribe of Indians
in the Indian Territory. I am well and personally acquainted
with the applicant in this case, and also well acquainted with
the general appearance of persons of Indian blood whenever the
same can be discerned by their general appearance.

The applicant in this case is a person whose general appearance
indicates that she is more than one quarter Choctaw Indian, or a
one quarter Indian of some other tribe, having the hair, eyes and
general features peculiar to the Indian race and a Complexion
that could not be called any thing but that of an Indian.

She is so considered by every one in the community where
she lives and is a person of good reputation and holds a home at
present on the public domain.

All her relatives that I know except two of her Sisters who are
making application and there are many of them are all enrolled as
Choctaw Citizens.

(Signed)

Henry Shields
Mary E. Jones.

Subscribed and sworn to before me this the 4th day of Aug. 1900.

John T. Gilmore

Notary Public.

SEAL

United States of America,
Indian Territory,
Central District.

Jacob Johnson, being first duly sworn states;
my age is 59 years, and my Post Office is Allen, I. T.

I am well and personally acquainted with the applicant in this case and also well acquainted with the general appearance of persons of indian blood, when they show it by their general appearance.

The applicant in this case is a person whose general appearance indicates that she is more than one quarter indian; having the hair, eyes and features of an indian, and a complexion that is not only dark but is one peculiar to the indian race; in fact she looks so much like an indian, that no one in the community where she lives considers her anything but an indian. And it is not necessary to look twice to see that all the facts that I have stated with reference to applicants appearance is true.

(Signed) Jacob Johnson.

Subscribed and sworn to before me this the 4 day of Aug. 1900.

John T. Hilmore.

Notary Public.

SEAL

We the undersigned being duly sworn testify to the following
That we are well acquainted with Mrs. Oza Wingfield of Allen, I. T.
That she lives at present on the public domain as any other member
of the tribe/ that she is considered as a Choctaw Indian by blood
that in personal appearance she looks to be one quarter Indian
her hair eyes features & complexion all show to any one acquainted
with the appearance of people of Indian blood, that she is part
Indian We live among the Indians & consider ourselves fully
competent to tell Indians by their genneral appearance. Therefore
we state that with out doubt the person above refered to looks to
be an Indian

(Signed) J. L. Fisher

John Doyer

H. C. Jones

I. O. Landreth

W. L. McKinley

J.L. Landreth (His X mark)

Subscribed and sworn to before me this the 4th day of Aug. 1900.

John T. Gilmore

Notary Public.

SEAL

We the undersigned being duly sworn testify to the following:
That we have known Mrs. Oza Wingfield the claimant in this case
ever since she was a little child That we were personally
acquainted with her father and mother Samuel and Parilee Williams.
We know that her father Samuel Williams lived in the Choctaw
Nation and was known as a Choctaw by blood by both Indians and white
people. That he raised his family there & that his children were
educated in the Choctaw schools. We also know that the claimant has
always made her permanent home in the Ind Terr. That she lives now
on the public domain as any other member of the tribe unmolested
by the tribal authorities.

We farther state that we are well acquainted with the
appearance of people of Indian blood living as we do among the
Indians we consider ourselves fully competent to tell Indians by
their general appearance

Therefore we do not hesitate to say that the said
Mrs. Wingfield looks to be as much as one quarter Indian her hair,
eyes, complexion & features all show very plainly that she is part
Indian.

We also know that she is a full sister of Laura C. Messersmith,
Lena & Samuel C. Williams all of whom were enrolled as Choctaw
Indians.

(Signed)

A. Cameron
J. D. McKinley
W. L. McKinley.

Subscribed and sworn to before me this the 4th day of Aug. 1900.

John T. Gilmore,
Notary Publick.

SEAL

COPY

SHERIFF OF ITCOA CO.

CHOCMAV NATION, IND. TER.

Joe L. Ward, Sheriff.

Coalgate, Ind, Ter. Feb. 3, 1900

Mrs Osa Wingfield

Allen, I. T.

Please find enclosed your permits for which I got
the money for

J. L. Ward

Sheriff

COPY

NO. _____

P E R M I T .

CHOCTAW NATION,
County of Atoka.

} SS.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, That I, J. M. Hanson Judge of the County and Probate Court of Atoka County, Choctaw Nation, by virtue of the authority in me vested by the laws of the Choctaw Nation, do hereby grant J. W. Amos a citizen of the United States, a permit to reside in the Choctaw Nation as a Pastor in the employ of Oza Wingfield for the period of one year from January 1, 1899.

Given under my hand and seal of the county, this 10 day of April, 1899.

Attest

B. W. Hanson,
County Clerk.

J. M. Hanson
County and Probate Judge,
Atoka County, C. N.

\$5.00

COPY

NO _____

P E R M I T .

CHOCTAW NATION.
COUNTY OF ATOKA.

} SS.
}

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, That I J. M. Hamson Judge of the County and Probate Court of Atoka County, Choctaw Nation, by virtue of the authority in me vested by the laws of the Choctaw Nation, do hereby grant I. W. Wingfield a citizen of the United States, a permit to reside in the Choctaw Nation as a Renter in the employ of Oza Wingfield for the period of one year from January 1, 1899.

Given under my hand and seal of the county,
this 10 day of April, 1899.

Attest:

B. W. Hamson,
County Clerk.

J. M. Hamson
County and Probate Judge,
Atoka County, C. N.

\$5.00

COPY

TEACHER'S CERTIFICATE.

"AS IS THE TEACHER, SO WILL BE THE SCHOOL",
CHOCTAW NATION, THIRD DISTRICT, S.S.:

Mrs. Oza Wingfield (Choctaw) having presented satisfactory evidence of good moral character, and having passed an examination in Spelling, Reading, Writing, Arithmetic, Grammar, Geography History of the United States and Theory and Practice of Teaching, with the results indicated in the annexed Grade, is hereby granted a certificate as a qualified Teacher for the Neighborhood Schools of said District for the term of 1 year.

GRADE	3rd	EXPIRES	Aug. 2 1899
Grammar	68	History of the United States	71
Spelling	80	Theory and Practice of Teaching,	75
Reading	45	Geography	61
Writing	45	Constitution	
Arithmetic	53		

General Average 62-1/4

Witness, my hand and official seal, this the 2nd day of August, 1898.

B. S. Emiser

Trustee of 3rd District

Choctaw Nation.

SEAL

COPY

APPLICATION FOR ENROLLMENT.

BEFORE THE UNITED STATES COMMISSION TO THE FIVE CIVILIZED TRIBES
OF INDIANS.

JAMES JOHNSON, ET AL.?

Petitioner,

Application for
admission
And Enrollment.

vs

CHOCTAW NATION,

Respondent.

To The Above Mentioned Honorable Commission:

Your petitioner, James Johnson, states that Mashulatubbi was a Choctaw Indian by blood, was duly recognized by the proper authorities as such, in the State of Mississippi, and enjoyed all the rights, privileges, benefits and annuities of other Choctaw Indians by blood in the said Choctaw Nation or Tribe of Indians, and that the name of Mashulatubbi appears, or should appear, upon the authenticated rolls of said Choctaw Indians.

That petitioner is a lineal descendant of the said Mashulatubbi, to-wit:

Your petitioner is a son of Mary Ann Johnson (nee Williams) by her marriage to Karl Johnson, the said Mary Ann Johnson being a daughter of Rebecca Williams (nee Mashulatubbi).

That according to his best information and belief, your petitioner states that he is one-fourth Choctaw Indian by blood; that he was born in the old Choctaw Nation, in Mississippi; that his parents emigrated to the Choctaw Nation, Indian Territory, in the year 1860, with their family, one of whom was your petitioner,

and that they lived in said Choctaw Nation as members thereof until their death.

Your petitioner further states that he has grown up in said Choctaw Nation; and exercised all the rights of a citizen thereof, except to draw money; this he has never attempted, because he was not enrolled; that in the year 1886, your petitioner went to the Choctaw Council then in session, for the purpose of having himself and family properly enrolled; that his family at that time numbered seven persons, and while there, learned of the Choctaw law requiring every applicant for enrollment to advance one hundred dollars for each person asked to be enrolled, and being a poor person, he was compelled to abandon his effort for enrollment for the lack of money, and be content enjoying all other rights as he had formerly done.

Your petitioner further states that he has never been molested by the Indian authorities in the enjoyment of any of the rights above mentioned; and that his post office address is Purcell, I. T., and that he still holds improvements in the Choctaw Nation.

That under the Constitution, laws, usages and customs of the said Choctaw Nation or Tribe of Indians, and the laws of the United States, and Treaties with said Nation, your said petitioner is entitled to be enrolled and admitted as a citizen and member of said Choctaw Tribe of Indians in the Indian Territory, and entitled to all the rights, benefits privileges and immunities of other Choctaw Indians by blood.

That there are now living legal descendants of your said petitioner, 17 persons, as follows, to-wit:

S. Ann Stonecipher,	daughter, age 28 yr
R.B. Stonecipher husband of Ann Stonecipher,	" 31 "
James B. Stonecipher, son of "	grandson, " 8 "
Essie May Stonecipher, daughter of "	granddtr, " 6 "
Bessie Bertha Stonecipher, " of "	granddtr, " 4 "
Roscoe Stonecipher, son of "	grandson, " 1 "
Dortus Parish,	daughter, " 23 "
Robert T. Parish, husband of Dortus Parish,	" 27 "
Nellie T. Parish, daughter of Dortus Parish,	granddtr, " 7 "
Milus Johnson,	son, " 19 "
Artus Johnson,	son, " 16 "
Alvin Johnson,	son, " 14 "
William C. Johnson,	son, " 11 "
Jesse B. Johnson,	son, " 8 "
Escoe Johnson,	son, " 6 "
Addie May Johnson,	daughter, " 1 "
Delila Johnson,	wife, " 38 "

Wherefore, the premises considered, your petitioner prays that his name, with those of his said descendants to-wit, Johnson, his wife, Samantha Ann Stonecipher, his daughter, and her husband, R. B. Stonecipher, and their children, James B. Essie May, Bessie Bertha, and Roscoe Stonecipher; Dortus Parish, his daughter, and Robert Parish, her husband, and their child, Nellie J. Parish, and Milus, Artus, Alvin, William, Jessie B., Escoe, and Addie May Johnson, his children, be enrolled and admitted to all the rights, benefits, privileges and immunities of other Choctaw Indians, in and to the said Choctaw Nation or Tribe of Indians in the Indian Territory.

And your petitioner will ever pray.

JAMES JOHNSON.

The afore named petitioner, James Johnson, says that the statements set forth in the above and foregoing petition are true, according to his best knowledge, information and belief.

Subscribed and sworn to before me this 31st day of August, 1896.

J. H. Gordon,

Notary Public.

(SEAL.)

APPLICATION FOR CITIZENSHIP:

Personally appeared before me, Laura C. McKinley, daughter of Samuel Williams, to make application for citizenship in the Choctaw Nation, for the heirs of Samuel Williams, son of Rebecca Williams, nee Mashulatubbi, who was a full blood Indian, and emigrated to this Nation with the Choctaws and enjoyed all rights and privileges of the Choctaws. Samuel Williams, the son of Rebecca Williams, nee Mashulatubbi lived in the Choctaw Nation and the undersigned, his lawful heirs were born in the Choctaw Nation and have enjoyed all rights and privileges of the Choctaws; and she further declares that the undersigned are the lawful heirs of Samuel Williams, now deceased.

Laura C. McKinley, daughter of Samuel Williams,	age 24 years
Lena A. Williams,	age 15 years
Samuel C. Williams,	age 11 years.

The heirs of Laura C. McKinley are:

Samuel M. McKinley	7 years.
Josephine A. McKinley,	age 4 years;
John Leo McKinley,	age 1 years.

Laura C. McKinley.

Subscribed and sworn to before me, the undersigned, a justice of the peace within and for the township of White, county of Polk, state of Arkansas, this 21st Aug., 1896.

A. J. Payne, J. P.

Endorsed. No. 62. Filed 9 Sept., 1896. H. M. Jacoway, Clk. Filed Feb. 23, 1897. P. B. Stoner, Clerk.

IN THE MATTER OF THE CLAIM OF
JAMES JOHNSON, ET AL.,
FOR CITIZENSHIP IN THE
CHOCTAW NATION.

Now comes the Choctaw Nation, by its lawful attorney, and says:

FIRST: That this Honorable Commission has no power and jurisdiction to hear and determine the issues herein involved, because the law creating such Commission is unconstitutional and void.

SECOND: The Choctaw Nation enters its protest against the hearing of this cause, because the methods of procedure adopted by this Commission are unjust, unfair and productive of great fraud and wrong and the form and method of trial prescribed by said Commission are contrary to the Constitution and laws of the United States.

THIRD: The Choctaw Nation protests against a hearing and determination of this cause for the reason that the time prescribed by said Commission within which this Nation must answer and adduce its proof is so limited as to amount to a denial of justice.

FOURTH. The Choctaw Nation further says that this Commission ought not to entertain this cause, for the reason that it does not appear that the applicant herein has applied for citizenship to the legally constituted tribunal designated by the Choctaw Nation for the trial of questions of disputed citizenship.

FIFTH. Defendant says that the evidence adduced by the claimant in this case is not sufficient to establish his citizenship in the Choctaw Nation.

SIXTH. Defendant says that this Commission has no power to enroll the applicant herein, because it appears that said applicant claims to be a citizen of the Choctaw Nation by intermarriage, and it does not appear that his rights as such intermarried citizen have been disputed by the Choctaw Nation.

6

SEVENTH: Defendant says that the applicant herein should not be enrolled because he has not shown by his evidence that he has not forfeited his rights as such citizen by abandonment or remarriage.

EIGHTH: And not waiving the defenses heretofore set out, for further answer herein, says:

The proof in this case does not show that claimants are one-eighth blood Choctaw Indian.

That there is no evidence that this claim has ever been disputed by the Choctaw Nation.

JAMES JOHNSON, Et al.

The Choctaw Nation,

By Stuart, Gordon & Hailey,

Its Attorneys.

Endorsed:

62 Claim of James Johnson, et al/ for Choctaw Citizenship.

Filed Feb. 22, 1897. P. B. Stoner, Clerk. Answer. Filed Oct. 1, 1896, A. S. McKennon, Com'r.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

Fort Smith, Arkansas, Dec. 5, 1896.

1026.

James Johnson, et al.

Y

Choctaw Nation.

Filed, Sept. 7, 1896. Answer filed.

Application denied.

Buroell, I. T.

I, H. W. Jacoway, Jr., secretary, do hereby certify that the above and foregoing is a true and correct copy of Choctaw Record "C", page 327, of The Commission to the Five Civilized Tribes.

Given under my hand and official signature, this the 6 day of Feby, 1897.

Henry Stroup,

Act. Secretary.

Endorsed. 62 Filed, Feb. 22, 1897. P. B. Stoner, Clerk.

In the United States Court at South McAlester, Central
Judicial District of the Indian Territory.

In the matter of James L. Bennight, et al,
Claimants to Choctaw Citizenship,

Appellants,

vs

Petition.

Choctaw Tribe of Indians,

Appellee.

Come now the following named petitioners, and present
this their joint petition, and respectfully show the court the
following, to-wit:

(1) That your petitioner, Susan S. Bennight, is a three-
sixteenth Choctaw Indian, and thirteen-sixteenths white woman,
and that she is the lawful descendant and daughter of Isabell
Cogbill, deceased, who was a three-eighths Choctaw Indian, and
who was the lawful descendant and daughter of Rebecca Williams,
deceased. That your petitioner, James J. Bennight, is a white
man and is lawfully married to and living with the aforesaid
Susan S. Bennight.

(2) That your petitioner, Richard S. Bennight, is a three-thirty-seconds Choctaw Indian, and twenty-nine thirty-seconds white man, and that he is the lawful descendant and son of the aforesaid Sousan S. Bennight. That your petitioner, Bennight, is a white woman, and is lawfully married to and living with the aforesaid Richard S. Bennight, and that --- Bennight, and --- Bennight, --- Bennight, and Bennight, are the lawful and minor children of the aforesaid Richard S. Bennight, and Bennight.

(3) That your petitioner, Jessie D. Bennight, is a three-thirty-seconds Choctaw Indian, and twenty-nine-thirty-seconds white man, and is the lawful descendant and son of the aforesaid Sousan S. Bennight. That your petitioner --- Bennight, is a white woman, and is lawfully married to and living with the aforesaid Jessie D. Bennight, and the --- Bennight, and --- Bennight, are the lawful and minor children of the aforesaid Jessie D. Bennight, and --- Bennight.

(4) That your petitioner Brogdon, is a three-sixteenths Choctaw Indian and thirteen-sixteenths white woman, and that she is the lawful descendant and daughter of the aforesaid Isabell Cogbill, deceased. That your petitioner, James M. Brogdon, is a white man, and is lawfully married to and living with the aforesaid --- Brogdon, and that --- are the lawful and minor children of the aforesaid Brogdon and James M. Brogdon.

(5) That your petitioner, Hazy Ann Vandagriff, is a three-sixteenth Choctaw Indian, and thirteen-sixteenths white woman, and is the lawful descendant and daughter of the aforesaid Isabell Cogbill. That your petitioner, William Vandagriff, is a white man and is lawfully married to and living with the aforesaid

Hazy Ann Vandagriff, and that Mary I. Vandagriff, James M. Vandagriff, William P. Vandagriff, Emma L. Vandagriff, Annie C. Vandagriff, and Dovie D. Vandagriff, are the lawful and minor children of the aforesaid Hazy Ann Vandagriff and William Vandagriff.

(6) That your petitioner, McLarty, is a three-thirty-second Choctaw Indian, and twenty-nine thirty seconds, white woman, and that she is the lawful descendant and daughter of the aforesaid Hazy Ann Vandagriff. That your petitioner, H. E. McLarty, is a white man and is lawfully married to and living with the aforesaid - McLarty, and that McLarty, are the lawful and minor children of the aforesaid McLarty, and H. E. McLarty.

(7) That your petitioner, James Johnson, is a three-sixteenths Choctaw Indian, and thirteen sixteenth white man, and that he is the lawful descendant and son of Mary N. Johnson, deceased, who was a three-eighths Choctaw Indian and who was the lawful descendant and daughter of the aforesaid Rebecca Williams. That your petitioner, Delilah Johnson, is a white woman and is lawfully married to and living with the aforesaid James Johnson, and that Milus Johnson, Artus Johnson, Alvin Johnson, William C. Johnson, Jessie B. Johnson, Esco Johnson, and Ada May Johnson, are the lawful children of the aforesaid James Johnson and Delilah Johnson.

(8) That your petitioner, S. Ann Stonecipher, is a three-thirty-seconds Choctaw Indian, and twenty nine thirty seconds white woman, and that she is the lawful descendant and daughter of the aforesaid James Johnson. That your petitioner, R. B. Stonecipher, is a white man and is lawfully married to and living with the aforesaid S. Ann Stonecipher, and that James B. Stone-

cipher, Susie May Stonecipher, Bertha Stonecipher, and Roscoe Stonecipher, are the lawful and minor children of the aforesaid S. Ann Stonecipher and R. B. Stonecipher.

(9) That your petitioner, Dortus Parish, is a three-thirty-seconds Choctaw Indian and twenty nine thirty seconds white woman, and the legal descendant and daughter of the aforesaid James Johnson. That your petitioner, Robert P. Parrish, is a white man, and is lawfully married to and living with the aforesaid Dortus Parish, and that Willie E. Parish, is the lawful and minor child of the aforesaid Dortus Parish and Robert P. Parish.

(10) That your petitioners, Lena A. Williams and Samuel C. Williams appearing by their next friend, James Johnson, show that they are each the lawful and minor children of Samuel C. Williams, deceased, who was a three-sixteenths Choctaw Indian, and who was the lawful descendant and son of the before-mentioned Rebecca Williams. Your petitioners further show that they are three-thirty seconds Choctaw Indians, and twenty-nine thirty seconds white children.

(11) That your petitioner, Laura C. McKinley, is a three thirty seconds Choctaw Indian and twenty nine thirty seconds white woman, and that she is the lawful descendant and daughter of the above mentioned Samuel C. Williams, deceased, and that Samuel N. McKinley, Joseph C. McKinley, and John Leo McKinley, are the lawful and minor children of the aforesaid Laura C. McKinley.

Your petitioners further show that the aforesaid Rebecca Williams was a three-fourths Choctaw Indian and one fourthwhite woman, and was the lawful descendant and daughter of one Machulatubbe, who was full blood Choctaw Indian, and who was a chief of one of the Choctaw tribes of Indians, and who lived and died in the present Choctaw Nation. That the aforesaid

Rebecca Williams was during the year of 1864, and long prior to said time, a member of the Choctaw tribe of Indians, and did at said time/ live among the said Indians, and was recognized by the proper authorities of said Tribe of Indians as a member or a citizen of the said Tribe, and did enjoy all the rights of a citizen of the said Tribe of Indians. That she did, during her life and until her death/ claim and maintain her citizenship or membership in the said Tribe of Indians, and that the other Indian ancestors of your petitioners, and your petitioners, have at all times, endeavored to keep up and maintain their citizenship or membership in the said Tribe of Indians, but that the said Indians and the constituted authorities and agents of the said Indians, have wrongfully and unlawfully denied and refused to allow your petitioners the rights of citizenship or membership in the aforesaid Tribe of Indians. That by reason of the aforesaid wrongful acts of the part of the authorities and agents of the said Indians, your petitioners, with only white blood could not and did not marry according to the usages, customs and laws of the said Tribe of Indians.

Your petitioners aver that according to the usages, customs, and laws of the aforesaid Tribe of Indians, and according to the Treaties executed by and between the aforesaid Tribe of Indians and the United States, and according to the grant executed by the United States to the Choctaw people and their descendants, of the land or country now known as the Choctaw Nation, and according to the laws of the United States, they are entitled to enrollment as members of the Choctaw Tribe of Indians.

Your petitioners further show that they and each of them made application according to law to the Commission to the Five Civilized Tribes for enrollment as members of the Choctaw Tribe of

Indians, and that the said applications were denied by the said Commission within the last 60 days. That said Commission failed and refused to state or give any reasons or grounds for denying the said applications.

Your petitioners aver that the said Commission erred:

First. In refusing to allow appellants or their attorneys to see or examine the pleas or answers tendered by the Choctaw Tribe of Indians to the petitions of appellants.

Second. In refusing to allow appellants to file a reply to the pleas or answers of the Choctaw Tribe of Indians to the petitions of appellants.

Third. In refusing to issue process for witnesses or to send for persons or papers when requested to do so by appellants.

Fourth. In denying appellants the right of trial of their claims by a competent jury.

Fifth. In refusing to allow appellants the right to be present in person or by attorney during the trial and determination of their claims.

Sixth. In refusing to allow appellants to introduce proof in rebuttal.

Seventh. In denying the applications of appellants, contrary to law and contrary to the proof adduced in the hearing of the said claims.

WHEREFORE, the premises considered, appellants pray that they be allowed an appeal to this Honorable Court from the decision of the aforesaid Commission, and for a trial of their claims de novo, and for a judgment of this Honorable Court, ordering and directing that your petitioners be enrolled as members

of the Choctaw Tribe of Indians.

M. M. Lindly,

Wilkinson & Wilkinson,

Attorneys for appellants.

Entered. 62, James J. Bennight, et al. vs the Choctaw Tribe of Indians.

Petition for Appeal

Filed Jan. 26, 1897. P. B. Stoner, Clerk.

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE
INDIAN TERRITORY AT SOUTH McALESTER.

J.J.BENNIGHT, ET AL.,

Plaintiff,

vs

ANSWER.

The Choctaw Nation?

Defendant.

Comes now the Choctaw Nation, by its attorneys, and for answer to the petition for appeal filed by the plaintiff herein, says:

That it is not true that applicants are entitled to citizenship in the Choctaw Nation. And that it is not true that the Dawes Commission erred as alleged in said petition.

Further answering, the Choctaw Nation says that it has heretofore filed its answer to the application of this plaintiff before the Dawes Commission, which said answer is hereby referred to and made part hereof, and having fully answered, appellee prays that the judgment of the Dawes Commission be in all things affirmed.

Wm. M. Grayson,

Stuart, Gordon & Hailey,

Attorneys for Choctaw Nation.

Endorsed: No. 62. J. J. Benight, et al v Choctaw Nation. Answer.

Filed Feb. 25, 1897. P. B. Stoner, Clerk.

No. 62.

Jas. J. Benight, et al:

vs

Judgment.

Choctaw Nation.

BE IT REMEMBERED, that on this 11th day of Sept., 1897, it being one of the days of the regular April, A. D., 1897, term of this court, came on for hearing the matter of the petition of Jas. J. Benight, et al., for enrollment as members of the Choctaw Tribe of Indians. Both the petitioners and the Choctaw Nation appearing by their respective attorneys, and announce ready for trial. And the court having heard the testimony and the argument of counsel, and being well and fully advised in the premises, doth, find, that the petitioners, Richard S. Benight, Luther Benight, Winn Benight, Dora Jeff Benight, Sarah D. Brogdon, Wesley H. Brogdon, Jodie J. Brogdon, Allamenta Brogdon, Riley Brogdon, Hazy Ann F. Vandergriff, Amanda J. Vandergriff, James M. Vandergriff, William P. Vandergriff, Emma L. Vandergriff, Annie C. Vandergriff, Dovie D. Vandergriff, Sarah McClarty, Elton E. McLarty, Burr McClarty, James C. Johnson, S. Ann Stonecipher, James B. Stonecipher, Essie May Stonecipher, Bessie Bertha Stonecipher, Roscoe Stonecipher, Dortus Parish, Nellie T. Parish, Milus Johnson, Artus Johnson Alvin Johnson, William C. Johnson, Jessie B. Johnson, Escoe Johnson, Addie May Johnson, Laura C. McKinley, Samuel M.

McKinley, Josephine C. McKinley, John Lee McKinley, Lena A. Williams, Samuel C. Williams, are Choctaw Indians by blood; and that the petitioners, Annie Bennight and Delila Johnson, are white persons, married according to the Choctaw laws, and that all of the above named applicants are citizens of the Choctaw Nation and are entitled to all the rights, privileges, immunities and benefits, and to be enrolled as such citizens; and doth therefore reverse the judgment of the Commission to the Five Civilized Tribes and doth order and adjudge that the names of the said applicants be so enrolled. And the clerk of this court is hereby ordered and directed to send a certified copy of this judgment to the aforesaid Commission, and the same shall be a mandate to the said Commission to place the names of the aforesaid applicants upon the proper roll already made or to be made of the Choctaw tribe of Indians.

And it is so ordered and adjudged that the aforesaid applicants have recover of the Choctaw Nation all their costs in their behalf expended for which let execution issue.

The court doth further find that Susan S. Benight, Jesse D. Benight, Millard Benight, and Eva G. Benight, are Choctaw Indians by blood, but that they were not residents of the Choctaw Nation at the time of the institution of this suit, and their application is therefore, denied.

The court doth further find that Jas. J. Benight, William Vandergriff Harvey E. McLarty, James M. Brogdon, R. B. Stonecipher, and Robert T. Parish, are white persons, and not married according to the laws of the Choctaw Nation, and their application is, therefore, denied, and the judgment of the aforesaid Commission is hereby affirmed.

It is further ordered and adjudged that the Choctaw Nation have and recover from the last named applicants all its costs in this behalf laid out and expended, for which let execution issue.

UNITED STATES OF AMERICA:
INDIAN TERRITORY:
CENTRAL DISTRICT.

I, E. J. Fannin, Clerk of the United States court for said district hereby certify that the above and foregoing is a true and correct copy of the applications of James J. Johnson, et al and Laura C. McKinley, for admission to citizenship in the Choctaw Nation, filed before the Commission to the Civilized Tribes of Indians, the Answer of the Choctaw Nation filed with the said Commission, the petition of said applicants for appeal, the Answer of the Choctaw Nation on appeal, the judgment of the said Commission on said applications, and the judgment of the United States Court on said appeal, as the same appears from the record and files of my office at South McAlester, Indian Territory.

Witness my hand and the seal of said Court at office in South McAlester, this June 5, 1900.

E. J. Fannin, Clerk.

By I. M. Dodge, D. C.

SEAL

Endorsed:

Department of the Interior,
Commission to the Five Civilized Tribes
FILED
Sep 4 1900.
Tamm Bixby
Acting Chairman.

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COPY

W. T. T.

DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
 RICHARD E. BENNIGHT ET AL., as citizens of the Choctaw
 Nation.

D E C I S I O N

It appears from the record herein and from the records in
 the possession of the Commissioner to the Five Civilized Tribes
 that application was made to the Commission to the Five Civilized
 Tribes on September 6, 1899, by Richard E. Bennight, for the enroll-
 ment of himself and his minor children, Luther Bennight, Winn
 Bennight and Dora I. Bennight, as citizens by blood of the Choctaw
 Nation, and for the enrollment of his wife, Anna Bennight, as a
 citizen by intermarriage of the Choctaw Nation; that on May 14,
 1900, written application was filed for the enrollment of Tennie May
 Bennight, minor daughter of Richard E. Bennight and Annie A.
 Bennight, as a citizen by blood of the Choctaw Nation; that appli-
 cation was made to the Commission to the Five Civilized Tribes at
 Galvin, Indian Territory, on August 9, 1899, by Samantha A. Stone-
 cipher, for the enrollment of herself and her minor children, James
 W. Stonecipher, Essie W. Stonecipher, Bessie B. Stonecipher and
 Cecoe Stonecipher, as citizens by blood of the Choctaw Nation;
 that on June 7, 1900, written application was filed for the enroll-
 ment of L. C. Stonecipher, and on February 21, 1902, written appli-
 cation was filed for the enrollment of Oto Stonecipher, minor
 children of Wright Stonecipher and Samantha A. Stonecipher, as citi-
 zens by blood of the Choctaw Nation; that application was made to
 the Commission to the Five Civilized Tribes at Tahkima, Indian
 Territory, on June 1, 1899, by Laura C. WeeserSmith, for the en-
 rollment of herself and her minor children, Agnes WeeserSmith,
 Samuel W. McKinley, Josephine C. McKinley and John Leo McKinley,
 as citizens by blood of the Choctaw Nation, and for the enrollment
 of her husband, Clark WeeserSmith, as a citizen by intermarriage
 of the Choctaw Nation; that on April 16, 1902, application was made
 for the enrollment of Robert Jackson Vandalice as a citizen by
 blood of the Choctaw Nation; that application was made to the
 Commission to the Five Civilized Tribes at Tahkima, Indian Territory
 on June 1, 1899, by James C. Johnson for the enrollment of himself
 and his minor children, Alvin Johnson, William C. Johnson, Jesse
 C. Johnson, Kacoe Johnson and Addie May Johnson, as citizens by
 blood of the Choctaw Nation, and for the enrollment of his wife,
 Delila Johnson, as a citizen by intermarriage of the Choctaw Nation;
 that on June 7, 1900, application was made for the enrollment of

Alice Johnson, as a citizen by intermarriage of the Choctaw Nation; that on January 9, 1902, written application was made for the enrollment of Virgie Benton Johnson, minor child of Alvin Johnson and Alice Johnson, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, on June 14, 1899, by Hasey A. F. Vandergriff, for the enrollment of herself and her minor children, James M. Vandergriff, William P. Vandergriff, Emma L. Vandergriff, Annie C. Vandergriff and Dovey D. Vandergriff, as citizens by blood of the Choctaw Nation; that on January 17, 1902, written application was filed for the enrollment of Hildreth Vandergriff, minor child of James Vandergriff and Cleo Vandergriff, as a citizen by blood of the Choctaw Nation; that on June 12, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by James M. Bragdon, for the enrollment of Sarah D. Bragdon and her minor children, Wesley H. Bragdon, Jodie J. Bragdon, Allawentia Bragdon and Riley Bragdon, as citizens by blood of the Choctaw Nation; that on June 1, 1899, application was made to the Commission to the Five Civilized Tribes at Talihina, Indian Territory, by James C. Johnson, for the enrollment of Lena A. Williams and Samuel C. Williams as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, August 9, 1899, by Milus Johnson, for the enrollment of himself and his minor child, Fannie Lee Johnson, as citizens by blood of the Choctaw Nation; that on February 11, 1902, written application was filed for the enrollment of Mulalis Johnson, minor child of Milus Johnson and Mattie Johnson, as a citizen by blood of the Choctaw Nation; that on August 9, 1899, application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, by Dortus Parish, for the enrollment of herself and her minor children, Nellie J. Parish and Nannie A. Parish, as citizens by blood of the Choctaw Nation; that on August 27, 1901, written application was filed for the enrollment of Ethel May Parish, minor daughter of B. F. Parish and Dortus Parish, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes during the month of August 1899, by Osa Wingfield, for the enrollment of herself and her minor children, Emily C. Wingfield, Samuel W. Wingfield and William G. Wingfield, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, October 2, 1900, by Minerva A. Patterson, for the enrollment of herself and her minor children, Binner D. Smith, Toby E. Smith, and Lucie I. Patterson, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, on August 9, 1899, by Atrus Thomas for the enrollment of herself and her minor daughter, Emma . Thomas; that on January 9, 1902, written application was filed for the enrollment of Edna Lee Thomas, minor daughter of Atrus Thomas and W. I. Thomas as a citizen by blood of the Choctaw Nation;

that application was made to the Commission to the Five Civilized Tribes at Wister, Indian Territory, on June 7, 1899, by Harvey A. McLarty for the enrollment of Sarah McLarty and her minor children, Elton A. McLarty, and Burr McLarty as citizens by blood of the Choctaw Nation; that on October 3, 1900, written application was filed for the enrollment of Ida Holin McLarty, minor child of Harvey A. McLarty and Sarah McLarty as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, on June 15, 1899, by Amanda I. Brake, for the enrollment of herself and her minor daughter, Mary Brake, as citizens by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 7, 1896 for the admission of certain of the applicants herein as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), in 1896 Choctaw Citizenship case No. 916, said names appearing in the application as follows: Luther Bennight, Win Bennight, Bore Jeff Bennight, Richard S. Bennight, Annie Bennight, Sarah E. Bregdon, Fily Bregdon, Wally H. Bregdon, Jody J. Bregdon, Alamintha Bregdon, Mary Ann T. Vandergriff, Jacob V. Vandergriff, William B. Vandergriff, and J. Vandergriff, Annie C. Vandergriff, and Davis B. Vandergriff, The names of Susan S. Bennight, Jessie D. Bennight, Willard Bennight, Roy C. Bennight, Sandy J. Vandergriff, Sarah McLarty, Elton A. McLarty, Burr McLarty and Sam Snyder also appeared in said application.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 7, 1896, for the admission of certain of the applicants herein as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), in 1896 Choctaw Citizenship case No. 1026, the names of said applicants appearing in said application as follows: James Johnson, E. Ann Stonecipher, James B. Stonecipher, Essie May Stonecipher, Essie Bertha Stonecipher, Roscoe Stonecipher, Dortus Parish, Nellie T. Parish, Vilus Johnson, Alvin Johnson, William C. Johnson, James B. Johnson, Esco Johnson, Addie May Johnson, Leila Johnson, Laura C. McKinley, Vera A. Williams, Samuel C. Williams, Samuel W. McKinley, Josephine C. McKinley, and John Leo McKinley. The name of Atrus Johnson also appeared in said application.

On November 4, 1896, the Commission denied the applicants in case No. 916, and on December 5, 1896, said Commission denied the applicants in case No. 1026.

From these decisions of the Commission a per writ was taken to the United States Court for the Central District of Indian Territory, said cases being consolidated on a writ, which court on September 11, 1897, rendered a judgment admitting all of said applicants to citizenship in the Choctaw Nation except Susan S. Bennight, Jessie D. Bennight, Willard Bennight, and Roy C. Bennight, whose applications were denied by said judgment.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1903, in the text case of "Choctaw and Chickasaw Nations of Tribes vs. J. T. Riddle et al".

Said order was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1901 (32 Stat., 641), for a trial de novo, and on April 18, 1904, in the case entitled "Sarah B. Bragdon, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court case No. 65, South McAloster Pocket), said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Sarah B. Bragdon, Wesley B. Bragdon, Jodie J. Bragdon, Allamante Bragdon, Lucy Ann P. Vandergriff, Amanda I. Drake or Amanda I. Vandergriff, James H. Vandergriff, William P. Vandergriff, and I. Taylor or Anna L. Vandergriff, Annie C. Vandergriff, James C. Johnson, S. Ann Stonecipher, James B. Stonecipher, Mae May Stonecipher, or Jennie May Stonecipher, Berrie Bertha Stonecipher, Bercoe Stonecipher, Fortus Parrish or Fortus Parish, Nellie I. Parrish or Parrish, Wilma Johnson, Beatrice Thomas or Atrus Johnson, Annie May Johnson, Elvin Johnson, William C. Johnson, Jesse B. Johnson, or Jennie C. Johnson, Esau Johnson or Esau Johnson, Laura G. Vandergriff or Laura C. McKinley, Josephine C. McKinley, John Lee McKinley, Lena A. Rogge, or Lena A. Williams, Samuel C. Williams, William Johnson or William Johnson, Sarah McClary, Alton L. McClary, and Burt McClary be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Riley Bragdonthe Court having no jurisdiction, their petition is dismissed".

On the same date, said Citizenship Court rendered a judgment in the case of "Susan S. Benight, et al., vs. Choctaw and Chickasaw Nations", wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Susan S. Benight, Richard S. Benight, Jessie S. Benight, or Jesse S. Benight, Annie E. Benight, or Annie Benight, James Luther Benight or Luther Benight, Winn Benight, Tom Jeff Benight, Willard Benight, and Ely S. Benight or Ely S. Benight, be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On May 3, 1901, the Commission to the Five Civilized Tribes refused the application for the enrollment of Ora Wingfield, Emily W. Wingfield, Samuel W. Wingfield, and William G. Wingfield, under the provisions of the Act of Congress approved May 31, 1900 (31 Stat., 641), and on June 9, 1901, this action of the Commission was approved by the Department.

On November 20, 1900 the Commission to the Five Civilized Tribes refused the application for the enrollment of Minerva A. Battershell, Tinney C. Smith, Toby V. Smith and Lucy I. Battershell, under the provisions of the Act of Congress approved May 31, 1900, (31 Stat., 641), and on April 3, 1901, this action of the Commission was approved by the Department.

On May 17, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Mildred Vandergriff, Anna Massaraith, Robert Jackson, Mary Annice, Emma B. Johnson, Malinda Johnson, Bonnie A. Parish,

Ethel May Parish, L. C. Stonecipher, Oto Stonecipher, Fennie M. Benight, Emma D. Thomas, Fena Lee Thomas, Ida Bolin McLarty, and Virgie Benton Johnson, for the reason that the citizenship of the persons through whom said applicants claimed a right to enrollment had been adversely determined by the Choctaw-Chickasaw Citizenship Court.

On May 27, 1904, the application for the enrollment of Alice Johnson as a citizen by her marriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes for the reason that her husband, through whom she claimed her intermarried rights had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On February 1, 1905, the Commission to the Five Civilized Tribes dismissed the application for the enrollment of Samuel M. McKinley in accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General dated July 30, 1904 (I.T.D. 5246-1904).

By a general order of the Commission of March 31, 1905, the applications for the enrollment of Clark Wessermuth, Mary Brake and Annie C. Vandergriff were dismissed, said applicants having died prior to September 25, 1902.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on June 25, 1906, by W. O. Pool and M. M. Lindly, attorneys at law, South McAlester, Indian Territory, a petition praying for the enrollment of Susan Benight, R. S. Benight, Jessie D. Benight, Millard Benight, Eva G. Benight, Hazy Ann Vandergriff, Sillar Elizabeth Sorrels, Sarah McClarty, Amanda I. Bakes (nee Vandergriff), William P. Vandergriff, Emma L. Vandergriff, Annie C. Vandergriff, Lora B. Vandergriff, Lucinda Snyder, Samuel Snyder, Wilbert Shandy, John Shandy, Georgia A. Bottoms or Georgie Bottom, James Bottom, Minnie Bottom, Becca McLain or Rebecca McLain, Frankie Bryant (nee McLain), Manerva Smith, Benjamin Smith, Tobias Smith, E. Battershell, Lucy Battershell, Sarah Brogden, Westly H. Brogden, Allamenta Brogden, Joseph L. Brogden, Riley Brogden, James C. Johnson, Delilah Johnson, S. Ann Stonecipher, Dartus Parish, Wilas Johnson, Atrus Thomas, Alvin Johnson, William C. Johnson, Maude May Johnson, Kace Johnson, Laura C. Vanderslice or Laura C. McKinley, Samuel W. McKinley, Joseph C. McKinley, John Leo McKinley, Samuel C. Williams, Emma D. Thomas, Fannie Johnson, Eloyar Johnson, Earnest Johnson, Alice Johnson, Virgel Johnson, Samuel Sorrels, Manda C. Sorrels, Anna Benight, Luther Benight, Wenn Benight, Dora Jeff Benight, Elton E. McClarty, Burr McClarty, James B. Stonecipher, Essie Stonecipher, Bessie Stonecipher, Roscoe Stonecipher, Otto Stonecipher, Nellie T. Baggett (nee Parish), Osa Wingfield, or Osa Wingfield or Ozie Windfield, Emily C. Windfield, Samuel Windfield, Mrs. David W. Reeves, and Lena A. Boggs or Lela Boggs as citizens of the Choctaw Nation.

The petitioners, Luther Benight, Wenn Benight, Dora Jeff Benight, R. S. Benight, Annie Benight, Sarah Brogden, Riley Brogden, Westly H. Brogden, Joseph L. Brogden, Fannie Johnson, Eloyar Johnson, Osa Wingfield, or Osa Wingfield, or Ozie Windfield, Allamenta Brogden, Hazy Ann Vandergriff, William P. Vandergriff, Emma L. Vandergriff, Annie C. Vandergriff, Dora B. Vandergriff, James C. Johnson, S. Ann Stonecipher, James B. Stonecipher, Essie Stonecipher, Bessie Stonecipher, Roscoe Stonecipher, Emily C. Windfield,

Samuel Windfield, Dartus Parish, Nellie T. Baggett (nee Parish), Vilas Johnson, Alvin Johnson, William C. Johnson, Maude May Johnson, Haze Johnson, Delilah Johnson, Laura C. Vanderalice, Samuel C. Williams, Samuel H. McKinley, Joseph C. McKinley, John Leo McKinley, Manerva Smith, Benjamin Smith, Tobias Smith, Lucy Battershell, Alice Johnson, Virgel Johnson, Sarah McClarty, Amanda I. Baker, (nee Vandergriff), Atrus Thomas, Elton E. McClarty, Burr McClarty and Emma D. Thomas, are identical with the persons for whose enrollment as citizens of the Choctaw Nation applications were made under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Susan Benight, Jessie D. Benight, Willard Benight, Eva G. Benight, Samuel Snyder, Sillar Elizabeth Sorrels, Lucinda Snyder, Wilbert Shanly, John Shanly, Georgia A. Bottoms or Georgia Bottom, James Bottom, Minnie Bottom, Becca McLain or Rebecca McLain, Frankie Bryant (nee McLain), Farnest Johnson, Samuel Sorrels, Manda C. Sorrels and Mrs. David W. Reeves at any time prior to December 1, 1905.

Applications were received for the enrollment of the following persons as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137):

June 11, 1906, Rozena Vandergriff, born September 10, 1903, minor child of James M. Vandergriff, and Cleo Vandergriff;

June 1, 1906, Carl H. Vandergriff, born March 23, 1904, minor son of William P. Vandergriff and Belle Vandergriff;

June 18, 1906, Annie Myrtle Manly, born September 13, 1903, minor daughter of James Manly and Emma L. Manly;

June 11, 1906, Ury Eugene Higgs, born November 15, 1903, Samuel Leslie Higgs and John Lester Higgs, born September 12, 1905, minor children of Warren Higgs and Lena A. Higgs.

It is alleged in the petition filed June 23, 1906, that the Indian blood and residence, as well as the birth of the petitioners, in the Choctaw Nation entitled them under all the laws and treaties, usages and customs and decisions of the Attorney General to be enrolled as members of the Choctaw tribe of Indians; that the Commission to the Five Civilized Tribes, the United States Court and the Choctaw-Chickasaw Citizenship Court had no jurisdiction over said petitioners.

It does not appear from the records in the possession of the Commission to the Five Civilized Tribes that the petitioners have ever been recognized or enrolled as citizens of the Choctaw Nation by the tribal authorities of said nation. The names of none of said petitioners appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am, therefore, of the opinion that the petitioners have never occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of April 18, 1904, is final and that the applications for the enrollment of Richard S. Benight, Luther Benight, Winn Benight, Vera J. Benight, Laura C. Vanderalice, Josephine C. (or Joseph C.) McKinley, John Leo McKinley, Haze

A. F. Vandergriff, James M. Vandergriff, William P. Vandergriff, Emma L. Vandergriff, Devoy D. Vandergriff, James C. Johnson, Alvin Johnson, William C. Johnson, Jesse B. Johnson, Essie Johnson, Addie May Johnson, Sarah D. Bragdon, Wesley H. Bragdon, Jodie J. (or Joseph L.), Bragdon, Allaminta Bragdon, Riley Bragdon, Lena A. Williams, Samuel C. Williams, Tertus Parish, Nellie J. Parish, Samantha Stonecipher, James B. Stonecipher, Essie M. Stonecipher, Fessie B. Stonecipher, Roscoe Stonecipher, Milus Johnson, Sarah McLarty, Elton B. McLarty, Burr McLarty, Amanda I. Brake and Artus Thomas as citizens by blood of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Delilah Johnson and Anna Bernight as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that following the ruling of the Department of May 25, 1906 (I.T.D. 9114-1906), in the case of Laura E. Akin, the application for the admission of Susan S. Benight, Willard Benight, Ery G. Benight, Sam Snyder and Jessie D. Benight as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), were not continuing applications, and inasmuch as no application was filed for their enrollment as citizens of the Choctaw Nation prior to December 1, 1905, the petition herein in so far as it applies to said petitioners, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Samuel M. McKinley, Otto (or Oto) Stonecipher, Fannie (or Fannie L.) Johnson, Eloyer (or Eulalie) Johnson, Annie C. Vandergriff, Alice Johnson, Virgel (or Virgie Benton) Johnson and Emma D. Thomas, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Minerva Smith, Benjamin Smith, Tobias Smith, Lucy Battershell, Ozie Windfield, Emily C. Windfield, and Samuel W. Windfield, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been refused, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein, in so far as it applies to the petitioners, Sillar Elizabeth Sorrels, John Shandy, Georgia Bottom, Rebecca McLain, Mrs. David W. Reeves, M. Battershell, Frankie Bryant (nee McLain) and Dora D. Vandergriff, for whose enrollment as citizens of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Lucinda Snyder, Wilbert

Shandy, James Patten, Minnie Patten, Earnest Johnson, Samuel Serrels and Manda G. Serrels, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the applications filed June 1, 1906, June 11, 1906, and June 18, 1906, for the enrollment of Carl R. Vandergriff, Rosena Vandergriff, Ury Eugene Boggs, Samuel Leslie Boggs, John Lester Boggs and Annie Myrtle Manly as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Tamm Dixby,
Commissioner.

Muskogee, Indian Territory,
Feb. 18, 1907.

Chectaw R 345

COPY.

Muskogee, Indian Territory, May 9, 1902.

Osa Wingfield,

Allen, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor children, Reilly G., Samuel W. and William G. Wingfield as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles
(SIGNED).
Commissioner in Charge.

Enc Y 130

Register.

Choctaw R 345

COPY.

Muskogee, Indian Territory, May 9, 1902.

M. M. Lindley,

South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Osa, Emily G., Samuel W., and William G. Wingfield, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles

Commissioner in Charge.

Enc Y 15

Register.

Choctaw R 345

COPY

Muskogee, Indian Territory, May 9, 1902.

Messrs Mansfield, McKimray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Oma, Emily G., Samuel W. and William C. Wingfield, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

Enc Y 14

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of One Wingfield, for the enrollment of herself and her minor children, Baily C., Samuel W. and William G. Wingfield, as citizens of the Choctaw Nation, including the decision of the Commission, dated May 9, 1902, refusing the application for the enrollment of Ene Wingfield, Baily C. Wingfield, Samuel W. Wingfield and William G. Wingfield as citizens of said nation.

Respectfully,

(SIGNED)

I. B. Needles
Commissioner in Charge.

1 inclosure.

Through the Commissioner
of Indian Affairs.

(COPY)

Land.
29, 240-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, June 3, 1902

The Honorable

The Secretary of the Interior.

Sir:

Herewith is transmitted the record and testimony in the matter of the application of Oza Wingfield for the enrollment of herself and her minor children, Emily C. Samuel W., and William G. Wingfield, as Choctaw citizens.

From the record and testimony it appears that none of the applicants herein were ever enrolled, admitted or recognized as Choctaw citizens and I am therefore of the opinion that under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll said applicants.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,
Your obedient servant,

(E.S.S.) P

A. C. Tonner,
Acting Commissioner.

(COPY)

D.C.No.10014

34094

DEPARTMENT OF THE INTERIOR.

Washington.

J.P.

I.T.D.3490-1902.
L.R.S.

June 9, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 9, 1902, you rejected the application of Osa Wingfield for the enrollment of herself and her minor children as citizens of the Choctaw Nation in accordance with the act of May 31, 1900 (31 Stat., 221), as it appeared that none of the parties has been enrolled, admitted or recognized as Choctaw citizens, and on June 3, 1902, the Acting Commissioner of Indian Affairs recommended that your decision be affirmed.

No reason appearing why your decision should not be concurred in, it is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

1 inclosure.

Thos. Ryan.
Acting Secretary.
E. M. D.

Case, No. 343

COPY.

Muskogee, Indian Territory, June 25, 1902.

Gen Wingfield,

Allen, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself and three minor children, Emily C., Saml. W., and Wm. O. Wingfield, as citizens of the Cheatar Nation.

Yours truly,

I. B. Needles.

(SIGN)

Commissioner in Charge.

COPY.

Chee. R. 345.

McChugoe, Indian Territory, June 22, 1908.

M. M. Lindley,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1908, affirmed the decision of the Commission, dated May 9, 1908, refusing the application made by Osa Wingfield for the enrollment of herself and three minor children, Emily G., Saml. W., and Va. S. Wingfield, as citizens of the Chee-
tow Nation.

Yours truly,

SIGNED,

I. B. Needles.

Commissioner in Charge.

COPY.

Chas. H. 248

Muskogee, Indian Territory, June 28, 1902,

Mansfield, Holmurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by One Wingfield for the enrollment of herself and three minor children, Emily C., Sarah V., and Wm. G. Wingfield, as citizens of the Choctaw Nation.

Yours truly,

CHIEF

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, July 3, 1901.

Mrs Geo Wingfield,

Allen, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th ult., stating that you have not yet received a judgment in your citizenship case and you are afraid it has been lost in the mail and desire to be informed whether or not judgment has been mailed to you.

You are informed that no decision has been rendered by the Commission as to the rights to family enrollment as citizens of the Cherokee Nation of yourself and your minor children. When the decision has been rendered in your case a copy of the same will be mailed to you at your present Post Office address.

Yours Truly,

7-2-345.

Commissioner in charge.

Muskogee, Indian Territory, September 6, 1902.

E. W. Watkins,

Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you desire to be advised if Mrs. Ozie Wingfield, of Calvin, Indian Territory, has been enrolled by this Commission as a citizen by blood or intermarriage of the Choctaw Nation.

Replying to your inquiry you are advised that it appears from our records that at Calvin, Indian Territory, in September, 1899, Oza Wingfield, 24 years of age, made personal application to be enrolled by this Commission as a citizen by blood of the Choctaw Nation.

This applicant subsequently and on June 7, 1900, at Atoka, Indian Territory, again appeared before the Commission and applied for the enrollment of herself and her three minor children, Emily C., Samuel W. and William G. Wingfield, as citizens by blood of the Choctaw Nation.

On May -, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of the above named persons for enrollment as citizens by blood of the Choctaw Nation, which decision was affirmed by the Secretary of the

E. W. W. 2

Interior June 9, 1902. Mrs. Wingfield has been duly advised of this action.

Replying to your inquiry if citizens of the Choctaw and Chickasaw Nations will be permitted to file on 320 acres of land as soon as the supplemental treaty is ratified, you are advised that it is impossible at this time to inform you of the probability of the time of the opening of an allotment office in the Choctaw-Chickasaw country.

In the event of the ratification of the pending Choctaw-Chickasaw agreement, such office will be established as soon thereafter as practicable.

The citizens of the Choctaw and Chickasaw Nations will not receive in allotment 320 acres of land of the Choctaw-Chickasaw country irrespective of value, but in accordance with the terms of the pending agreement, each citizen will as soon as practicable after the approval by the Secretary of the Interior of his enrollment receive "Land equal in value to 320 acres of the average allottable land of the Choctaw and Chickasaw Nations.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 23, 1904.

Mrs Oza Wingfield,

Calvin, Indian Territory.

Dear Madam :-

Receipt is hereby acknowledged of your letter of the 8th inst., addressed to the Secretary of the Interior, and by him referred to this Commission for consideration and appropriate action. Therein you state that you were sick and unable to go before the Commission in 1896, for enrollment, and have not been allowed to enroll since then, and you ask whether all Indians who did not enroll in 1896 are finally debarred.

You are informed that the application of Oza Wingfield, of Allen, Indian Territory, for the enrollment of herself and her children, Emily C. Saml W., and Wm G. Wingfield, as citizens by blood of the Choctaw Nation, was duly considered by this Commission, and on May 9, 1902, a decision was rendered rejecting said application, a copy of said decision being forwarded to you on the same day; that the action of this Commission in rejecting said application was approved by the Secretary of the Interior, on June 9, 1902, and on June 23, 1902, you and your attorneys were duly notified of the action taken by the Secretary of the Interior.

Your case is, therefore, regarded as closed.

Respectfully,

Chairman.

MEMORANDA.

22 *Rowan Ozia Mufield* (Date) *June 7* 19*00*

Choctaw? *yes* County *Atoka* Year No.

Chickasaw? County Year Page

Citizen by blood? *1/8* Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

8	<i>Ezra C. Mufield</i>	County	Year	Page	No.
5	<i>Samuel H.</i>	County	Year	Page	No.
3	<i>Mrs. G.</i>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

P.O. Allen
Samuel C. Williams
Prun H. H.

R. 346

Willie Wilkerson

FOR IDENTIFICATION AS
A MISSISSIPPI COTTON TAY.

REFER TO M. C. R. *443

R. 34

Hinnie Higley

Record transferred to Choctaw
R # 505.

Choc. R. 348
Josie Womack

R. 348

Choctaw Nation

DECISION RENDERED, MAR 30 1905

REFUSED MAR 30 1905

COPY OF DECISION FORWARDED

APPLICANT MAR 30 1905

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

MAR 30 1905

RECORD FORWARDED DEPARTMENT

MAR 30 1905

**ACTION APPROVED BY
SECRETARY OF INTERIOR**

MAY 1 - 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANTS

Indigenous MAY 13 1905 *Leg. 8-1905*
R.S.B.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

MAY 13 1905

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Josie Womack for enrollment as an inter-married Choctaw; being sworn and examined by Com'r McKennon she ~~and~~ testifies as follows:

Q What is your name? A Josie Womack.

Q How old are you? A Thirty-two.

Q You present here a license dated November 3rd, 1897, for a marriage between Charles Womack and Mrs. Josie Brewer, was that your name? A Yes sir.

Q Is Charles Womack the same person whose name is found in the decree of the United States Court at South McAlester January 16, 1898, case number 131, as Charlie Womack? A Yes sir.

Q He is the same person? A Yes sir, the same person.

Com'r McKennon: This marriage having occurred before he was admitted to citizenship, your enrollment will be refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

W.D. Green

7-R-348.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Josie Womack as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that the applicant, Josie Womack, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming the right thereto by reason of her marriage to Charles Womack, an alleged citizen by blood of the Choctaw Nation.

It appears from the records of the Commission that on September 9, 1896, in the case entitled "James H. Womack et al. vs Choctaw Nation" (1896 Choctaw Citizenship Docket, case No. 499), original application was made to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Choctaw Nation of (among others) the husband of the applicant herein (as Charley Womack), and his father, James H. Womack, as citizens by blood thereof; that on December 2, 1896, this Commission rendered a decision denying said application; that from this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court, on January 18, 1898, in the case entitled "James H. Womack et al. vs Choctaw Nation," (Citizenship Case No. 131) entered of record a judgment reversing the decision of this Commission and admitting (among others) the husband of the applicant herein (as Charley Womack), and his father, James H. Womack, to citizenship in said Nation.

It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory admitting the persons therein named to citizenship in the Choctaw Nation. Said cause as to the said Charley Womack was not certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, but as to his father, the said James H. Womack, said cause was duly certified to said Court for a trial de novo, and said court, on February 29, 1904, in case No. 17 upon its Tishomingo docket, entered of record a decree declaring that said James H. Womack is not a citizen of the Choctaw Nation.

It does not appear from the records of the Commission that either the applicant herein or the said Charles Womack have ever been enrolled by the tribal authorities of the Cheataw Nation, or admitted to citizenship in said Nation by the legally constituted authorities thereof, or by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory in accordance with the provisions of the Act of Congress approved June 10, 1898 (29 Stats., 321), except as above set forth.

It is, therefore, the opinion of this Commission that Louis Womack is not entitled to be enrolled as a citizen by intermarriage of the Cheataw Nation, and that her application for such enrollment should be denied in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAR 30 1905

7-R-348

COPY.

Muskogee, Indian Territory, March 30, 1905.

Josie Wemaak,

Foster, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 30, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamm Bixby

Chairman.

Registered.

Incl. 7-R-348.

COPY.

7-R-348

Muskogee, Indian Territory, March 30, 1905.

Mansfield, McMurray & Gernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered March 30, 1905, denying the application for the enrollment of Jessie Womack as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

Tames Bixby

Chairman.

Incl. 7-R-348.

COPY.

Nuskegee, Indian Territory, March 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Jessie Womack as a citizen by intermarriage of the Cheateau Nation, including the decision of the Commission, dated March 30, 1903, denying said application.

Respectfully,

SIGNED

Jane Bixby

Chairman.

Incl. 7-R-342.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 12, 1905.

Land.
25425-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes dated March 30, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by Jessie Womack.

March 30, 1905, the Commission decided adversely to the applicant.

The record shows that the applicants claims right to enrollment by reason of her marriage to Charles Womack an alleged citizen by blood of the Choctaw Nation. The record further shows that on December 2, 1894, the Commission denied the claim of Charles Womack (among others); that upon appeal the United States Court, Central District, Indian Territory, entered of record a judgment reversing the decision of the Commission and admitting (among others) the husband of the applicant herein; that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court "set Aside, annulled, vacated and held for naught" the aforesaid Judgment of the United States Court. It does not appear from the record that the applicant herein or her husband, Charles Womack, have ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw

-2-

Nation or by any United States tribunal other than as stated.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very Respectfully,

H.M.M.
V.

C. F. Larrabee
Acting Commissioner.

DEPARTMENT OF THE INTERIOR, ELL
WASHINGTON.

G.R.

May 1, 1905.

D.C. 23052-1905.
I.T.D. 3004-1905.

IRS

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory,

Gentlemen:

March 30, 1905, you transmitted the record in the matter of the application of Josie Womack for her enrollment as a citizen by intermarriage of the Choctaw Nation, including your decision dated March 30, 1905, adverse to the applicant.

April 12, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is hereto attached.

The Department concurs in the recommendation made and your decision dated March 30, 1905, adverse to the applicant is hereby affirmed.

Respectfully,

(signed) THOS. RYAN,

Acting Secretary.

1 inclosure.

7-2-348

Muskogee, Indian Territory, May 13, 1908.

COPY.

James Womack,

Dexter, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of May 1, 1908, affirmed the decision of this Commission dated March 30, 1908, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tama Bixby

Chairman.

COPY:

7-2-348

Muskogee, Indian Territory, May 13, 1906.

Mansfield, McMurray & Carnahan,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby notified that the Secretary of the Interior under date of May 1, 1906, affirmed the decision of this Commission dated March 30, 1906, denying the application for the enrollment of Josie Womack as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED *Jame Bixby*

Chairman.

Muskogee, Indian Territory, October 27, 1900.

Joseph Womack,

Foster, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 16th instant, in which you desire to be informed as to your rights to citizenship in the Choctaw Nation.

You state that in 1897 you were married to Charley Womack who was admitted to citizenship in the Choctaw Nation by the United States Court for the Indian Territory with the other members of his family but that before the Commission came to Pauls Valley for the purpose of hearing applicants for enrollment, your husband died but that the rest of his family have been enrolled and you now desire to be informed if you are entitled to enrollment or citizenship.

You are informed that the records of this Commission show that at Durant, Indian Territory, in the summer of 1898, Joseph Womack appeared before the Commission and made application for enrollment as an intermarried citizen of the Choctaw Nation. She stated at that time that she was 38 years of age and produced a license to marry Charley Womack, which was dated November 3rd, 1897 and that she testified that Charley Womack, her husband, was the same person whose name was found in the decree of the United States Court for the Central District of the Indian Territory rendered at South McAlester June 10th, 1898 in court case No. 131.

The Commission at that time rendered the following judgment: "That this marriage having occurred before your husband

272

band was admitted to citizenship, your enrollment will be refused."

If you are the Leslie Wadok referred to as having appeared before the Commission at Durant in the summer of 1898, you will understand that the Commission has refused your application for enrollment as an intermarried citizen of the Cheetaw Nation.

If, however, you desire to have your case presented to the Secretary of the Interior, if you will so notify the Commission, the record so made will be transmitted to the Secretary of the Interior for his consideration when the cases of applicants refused enrollment in the Cheetaw Nation by this Commission are sent to the Secretary of the Interior for his approval.

Yours truly,

Acting Chairman.

7-R-348.

Muskogee, Indian Territory, November 28, 1904.

Josie Womack,

Fister, Indian Territory.

Dear Madam:

The Commission has received information to the effect that your husband, Charley Womack, died in the spring of 1898, and in order to secure this information in proper form there is enclosed you herewith a blank affidavit which you are requested to have filled out and return to this Commission at the earliest possible date.

Respectfully,

Encl.
D. C.

Commissioner in Charge.

R. 349

Minerva Viars

FOR IDENTIFICATION
A MISSOURI CHOCOLATE

REFER TO M. C. R.

#360

MISSISSIPPI

R. 350

Frances A. Young

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #4610.

R. 351

CROCTAW

Lydia J. Zimmerman

FOR IDENTIFICATION AS
A MISSISSIPPI CROCTAW.

REFER TO M. C. R. * 5196.

George A. Clark.

Record transferred to Chastan
#5604.

Choc. R. 353

Rube Pierce

R. 353

RECEIVED
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.
In the matter of the application
of Rube Pierce for enrollment as a
citizen by blood of the Choctaw Na-
tion.

REFUSED. MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT. MAY 9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. JUN 23 1902

Commissioner to the Five Civilized Tribes,

Durham, Indian Territory.

In the application of Rube Pierce for enrollment as a Choctaw being sworn and examined by Com'r McKenna he testifies as follows:

Q What is your name? A Rube Pierce.

Q How old are you? A I am fifty-one years old.

Q Are you on the Choctaw or Chickasaw rolls? A No sir.

Q Never have been? A No sir.

Q Are your father and mother on the rolls in the Choctaw nation here? A Not that I remember of.

Q You were born and raised in Texas? A Yes sir.

Q When did you come to the Territory? A About two years ago.

Q What is the date of your last marriage? A Married two years ago.

Q You have been here ever since? A Yes sir.

Com'r McKenna: Enrollment is refused.

Department of the Interior,

Commissioner to the Five Civilized Tribes.

I hereby certify upon my official oath as
stenographer to above named Commissioner that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Honorable Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Please enter my appearance in the following case of R. B. Piers, et al. on behalf of the applicant, and notify me of any action taken therein.

I have the honor to be,

Respectfully,

Chester Howe.

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR

AND THE

HONORABLE COMMISSIONER OF INDIAN AFFAIRS

WASHINGTON, D. C.

PETITION.

Comes now R. B. Pierce, on his own behalf, on behalf of his wife, Marthy Pierce and his children, Stella Pierce, J. D. Pierce, Dovie Pierce, Forest Pierce, by their attorneys, G. W. Goodwin, J. O. Pool and Chester Howe and respectfully pray for the exercise of the supervisory authority of the Honorable Secretary of the Interior and the issuance of an order directed to the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, directing and commanding said Commission to receive and hear the application of your petitioner, and to hear such evidence as may be offered in support thereof, in order that the Honorable Secretary of the Interior may be enabled to pass upon the same intelligently. And as the basis of said petition, your petitioner alleges:

I

That they are Choctaw Indians by blood.

II

That your petitioner appeared before the Dawes Commission and tendered application, requesting them to file the same, and to hear evidence in support thereof; that said Commission refused to receive and file the same or to hear any evidence in support of the same, and absolutely no record was made that would enable the Honorable Secretary of the Interior to pass upon the same understandingly.

(2)

III

That by reason of their Indian blood, your petitioners claim that they are entitled to the protection of the Honorable Secretary of the Interior, and they have valuable property rights which are jeopardized at this time.

IV.

That by reason of their Indian blood they are entitled to be enrolled, and they have no adequate remedy at law, and for these reasons they file this petition.

V.

That said petition is hereto attached and tendered to the Honorable Secretary of the Interior and the Honorable Commissioner of Indian Affairs, in order that such record may be made as will enable them to pass upon the same.

WHEREFORE, Your petitioners pray that the order asked for in this petition may issue, and for such other and further relief as to the Honorable Secretary of the Interior and the Honorable Commissioner of Indian Affairs, may seem just and proper to the end that your petitioners rights may be protected. respectfully submitted.

(Signed) J. O. Pool.

Chester Howe.

CITY OF WASHINGTON

SS.

DISTRICT OF COLUMBIA

J. O. Pool being sworn according to law, on oath states that he is attorney for the petitioners in the foregoing petition; that the same is filed in good faith and not for purposes of delay; but in order that justice may be done, and he verily believes the facts set forth therein are true. (Signed) J. O. Pool.
Subscribed and sworn to before me this 1st day of Feb'y A.D. 1900.
(Seal) J. J. Helligan, Notary Public.

Before the Hon. Sectary of the Interior of the United States.
Now Authorized to accept new and all Application now pending in
the Choctaw Nation, having the final power to accept and complet the
final rolls of the Five Civilized Tribes,

Comes R. B. Pierce a
resident of the Choctaw nation and says that his age is 51 years
and that his post office is Cale I. T. and that he has resided
in this Nation for 24 years, said Applicant states upon his
oath that he appeared before the Dawes Commission at Durant, I. T.
at their regular session for that place on the Eighteenth day of
August 1899 and made application for Citizen ship, and after being
placed upon his oath the put the following question to him, Ist.
by asking his age which was given as above stated, and his resi-
dence as above stated, also they ask if he was on the rolls and
if either his Father or Mother was on the rolls, his answer was
in the negative to al of the above question relative to the en-
rollement.

So he comes asking that he and his Children whoes names
and ages appear upon the followin application. to wit.

Marthy Pierce age 49 R. B. Pierce the Applicant
in this case age is 49 years, Stella Pierce age 24 years
J.D. Pierce age 18 years, Dovie Pierce age 13 years, Forest Pierce
age 18 years,

These are the Legal children of he and his wife
Marthy Pierce, Ney Gray and that they war married according to the
laws of Texas in the year of our Lord A.D. 1876
Applicant farther states that this application is made for the
intent and soul prpose as set fourth by the affidavits bearing
fourth the facts and proof of the Indian blood of his Father and
the enrire family, he R. B. Pierce respectfully ask that you give
his case your immediate attention,

(Signed R. B. Pierce.

Subscribed and sworned to before me a Notray Public in and for t
the Southern District of the Indian Territory, this the-----
day of August, 1899.

(Signed) J. T. Crawford,
Notary Public, Central Judicial District
I. T.

(Seal)

The State of Texas
Henderson County

Before me the undersigned authority on this day personally appeared H. F. Click and J. B. Curtis, personally known to me to be reputable citizens of this Co., who being by me first duly sworn on their oath say that they are well acquainted with R. B. Pierce now residing in the Choctaw Nation, -that he is a son of David Pierce and his wife Martha Pierce- who emigrated from the state of Mississippi to Rusk Co., Texas. That said David Pierce was a son of Joseph Pierce. That we were personally acquainted with both Joseph and David Pierce, ^{as} also with Betsie Pierce wife of Joseph Pierce whose maiden name was Betsie Dowell. That said Betsie Dowell was a half breed Choctaw Indian- That her son David Pierce, father of said R. B. Pierce was one-quarter Choctaw Indian and that said R. B. Pierce, is one-eight Choctaw. That Betsie Pierce and Joseph Pierce had the following named children, to-wit: David Pierce above named who first married in Miss and second in Ark., Rile Pierce who married in some one of old states and emigrated to Texas. Joseph who moved to Texas with a family-John who also came to Texas with a family, Charly who also moved to Texas with a family. We are unable to state the date or place of their marriages but know they married in some of the old States and moved to Texas many years ago.

That said David Pierce had a number of children of whom we remember the following-viz; George Pierce who we think married in Texas and was last heard from in New Mexico, Wood Pierce who married and was killed on the train in Ga and his family last heard from lived at Point Rock Texas-Betsie who married Joe Idom in Cherokee County Texas and both of them are now dead-Tom who married and died in Cherokee Co., Texas-Wilson who married in Cherokee County Texas and died somewhere in the Indian territory, R.B. Pierce hereinbefore mention, Frank who now lives in Cherokee Co where he was born and married--

J.B.Curtis,

12

his

H. T. Click

mark.

SEAL

Sworn to and subscribed before me this 2nd day of Aug, A.D. 1898.

W. T. Carroll,

Notary Public.

Henderson County, Texas.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rube Pierce for enrollment as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record in this case that the applicant, Rube Pierce, appeared before the Commission at Durant, Indian Territory, during its session thereat beginning August 14, 1899, and ending August 18, 1899, and then and there made personal application for the enrollment of himself as a citizen by blood of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that the applicant has never been enrolled as a citizen of the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was, on the 20th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), and a portion of section twenty-one thereof, provides as follows:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (Chickasaw, Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221),
and a portion of the second paragraph thereof, provides as follows:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Rube Pierce is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that his application therefor should be refused; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this MAY -9 1902

Choctaw R 363

COPY.

Muskogee, Indian Territory, May 9, 1902.

Rube Pierce,

Sterrett, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED *I. B. Needles.*
Commissioner in Charge.

Enc Y 16

Register.

Chectaw R 353

COPY

Muskogee, Indian Territory, May 9, 1902.

Chester Howe,

623 P Street, N. W.,

Washington, D. C.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Rube Pierce as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED, *T. B. Needles,*

Commissioner in Charge.

Enc Y 19

Register.

Choctaw R 355

COPY.

Muskogee, Indian Territory, May 9, 1902.

J. O. Pool,

Attorney at Law,

Beacons, Texas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Rube Pittree for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Enc Y 18

Register.

Choctaw A 253

COPY.

Muskogee, Indian Territory, May 9, 1902.

Mansfield, Murrey & Corbish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the Application for the enrollment of Rube Pierce as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED: *I. B. Needles*,
Commissioner in Charge.

Enc Y 17

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the Application of Rube Pierce for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 2, 1902, refusing the application for the enrollment of Rube Pierce as a citizen of said nation.

Respectfully,

RECORDED

T. B. Needles.

Commissioner in Charge.

1 inclosure.

Through the Commissioner
of Indian Affairs.

C O P Y.

Land. DEPARTMENT OF THE INTERIOR,
29,240-1902. Office of Indian Affairs,

Washington, June 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record in the matter of the application of Rube Pierce for enrollment as a Choctaw citizen.

From the record it appears that this applicant has never been enrolled, admitted or recognized as a Choctaw citizen.

It is the opinion of this office that under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll said applicant.

I respectfully recommend that the decision of the Commission refusing to enroll Rube Pierce be approved.

Very respectfully,

Your obedient servant,

A.C.Tonner,

Acting Commissioner.

E. S. S.

L.

C O P Y

34074

J.P.

F.

D.C.No. 10030-1902.

DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D.3489-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

June 3, 1902, the Indian Office submitted your letter of May 9, 1902, transmitted the rejected application of Rube Pierce for enrollment as a Choctaw citizen, rejected under the provisions of the act of May 31, 1900 (31 Stat., 221), and recommended that your decision be affirmed.

There appearing no reason why your decision should not be concurred in, it is affirmed. Copy of Indian Office letter is inclosed.

Respectfully,

Thos Ryan
Acting Secretary.
H.M.D.

1 inclosure.

COPY.

Case. R. 253

Muskogee, Indian Territory, June 23, 1902.

Rube Pierce,

Sterrett, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

T. B. Needles.

(SIGNED)

Commissioner in Charge.

COPY.

Chec. R. 333

Muskogee, Indian Territory, June 23, 1902.

Chester Howe,

623 F Street, N.W.

Washington, D. C.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Rube Pierce for the enrollment of himself as a citizen of the Chectaw Nation.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY.

Chas. R. 253.

Muskogee, Indian Territory, June 23, 1902.

J. G. Pool,

Attorney at Law,

Beckton, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Eboe Pierce for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1
Chee, R. 343

COPY.

Muskogee, Indian Territory, June 23, 1908.

Manafield, McMurray & Gernish,

Attorneys for the Cheate and Chickasaw Nations,
South Waller, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1908, affirmed the decision of the Commission, dated May 9, 1908, refusing the application made by Rube Pierce for the enrollment of himself as a citizen of the Cheate Nation.

Yours truly,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

Muskogee, Indian Territory, May 25, 1900.

Mr. Chester Howe,

625 F Street, N.W.,

Washington, D.C.,

Dear Sir:

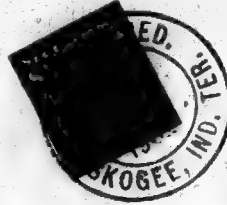
The Commission is in receipt of the petition and affidavits in the case of R. B. Pierce et al. vs. the Choctaw Nation, forwarded to the Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission.

The records of the Commission show that Pierce appeared as an applicant and was refused enrollment at Tahlequah, Indian Territory, for the reason that it did not appear that either he or his parents had ever been upon any of the Choctaw rolls. The papers have been filed with the office records, and the Commission will receive any additional written testimony which the petitioner may desire to submit, for forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent to him for review.

Yours truly,

Acting Chairman.

Return
Ry # 457
45



Department of the Interior.

Commission to the Five Civilized Tribes.

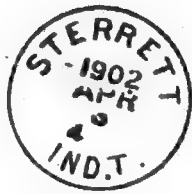
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

UNCLAIMED

2647



RETURN TO WRITER

R. B. Sterrett,

Sterrett,

Indian Territory.

RETURN TO WRITER

226

Ry # 8/99



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

7424

UNCLAIMED

Return to Writer
Rube Pierce
Sterrett
Return to Writer

J. T.

Choc. R. 354

Matt Davis

R. 354

REFUSED APR 9 1902

COPY OF DECISION FORWARDED APPLICANT APR 9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. APR 9 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT. APR 9 1902

RECORD FORWARDED DEPARTMENT APR 9 1902

REMANDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

MAY 23 1902

Aug 12. 1902 Record returned to Dept

*Oct 23. 1902. Record returned to be
held pending the action of the Citizen
- ship Court.*

*Feb. 6. 1904. Protest of atty's falsifications
filed.*

Feb. 10. 1904. Report to Department.

Aug. 5. 1904. Report to Department.

~~XXXX XXXXXX~~
*Not in
Papers and decision in
Duplicate Jacket.*

DUPLICATE

Matt. Davis, et al.

Refused, Feb. 15-07.

See petition #C-163.

ACTION BY
SECRET FOR MAR 2 - 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT CHOCTAW APR 11 1907
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT APPLICANTS APR 11 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

Commission to the Five Civilized Tribes,

Nowat, Indian Territory.

In the application of Matt Davis for enrollment as a Choctaw,
being sworn and examined by Com'r McKee he testifies:

Q What is your name? A Matt. Davis.

Q How old are you? A Forty-six.

Q Are you on the Choctaw or Chickasaw rolls? A No sir.

Q Have your father and mother ever been on the rolls here?

A No sir. I claim by marriage.

Q Is your wife on the rolls? A No sir.

Q Never has been? A No sir, she is dead.

Q Where did you marry her? A I married her here.

Q Was she ever on the rolls? A No sir, not that I know of.

Q You claim by reason of marriage with her? A Yes sir.

Com'r McKee: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct translation of my stenographic notes.

M. D. Green

Chester Howe

Attorney at Law

623 F. St., Northwest,
Washington D. C.

Honorable Commissioner of Indian Affairs.

Washington, D.C.,

Sir:-

Please enter my appearance in the enclosed case of
M. M. Davis, et al. on behalf of the applicant, and notify me of any
action taken therein.

I have the honor to be,

Respectfully,

Chester Howe.

In the matter of the application of M. M. Davis et al for citizenship
in the Choctaw Nation.

To the Hon. Secty. Interior and
Commissioner of Indian Affairs;
Washington, D.C.

Gentlemen:

Your petitioners state that they are attorneys for the applicants. That the applicants are all white people and claim citizenship on account of the said M.M.Davis having at one time been married according to the Choctaw laws to a girl whose father had been married to an Indian woman and whose mother had at one time been married to an Indian man-both Indians being Choctaws;

This case depends entirely on a question of law, as the facts are shown in annexed affidavits and application previously made to the Dawes Commission.

Petitioners ask that these papers be read and a decision had under such rules and regulations as may be prescribed herein.

Respectfully submitted.

J. O. Pool, Koonce, Texas and

L.D.Horton and B.S.Johnson,

Durant, Ind.Ter.

Petitioners.

CITY OF WASHINGTON }
DISTRICT OF COLUMBIA }

SS

J.O.Pool being sworn according to law on oath states that
he is attorney for the petitioners in the foregoing petition:
that the same is filed in good faith and not for purposes of delay;
but in order that justice may be done, and that he verily believes
the facts set forth therein are true.

(Signed) J. O. Pool

Subscribed and sworn to before me this 10, day of Jan. A.D. 1900.

(Signed) J.J. Helligan,

Notary Public,

(Seal)

United States of America,
Central District
Indian Territory.

} Ex parte

To the Honorable Commissioner of Indian Affairs
and the Secretary of the Interior.

Washington, D. C.

Your petitioner most respectfully shows unto your Honors, - That he is an intermarried citizen of the Choctaw Nation, Indian Territory.

That he presented his application to the Commission to the Five Civilized Tribes in due time and in pursuance of the act of the Congress of the United States approved June 10th, 1896 and that for some reason not known to petitioner, the same was not acted on by said Commission.

That in accordance with law, and in conformity with the act of congress approved June 7th 1897, and the instructions issued and published by the said Commission to the five civilized tribes Dated at Ft. Gibson I.T. August 2nd 1897, petitioner made application for enrollment of himself and family, and the same has not been acted upon by said Commission.

That he filed with said applications his marriage certificate and affidavits as required by said Commission and all said papers are in the possession of said Commission, and applicant cannot exhibit the same or copies thereof.

That on the 18th day of August 1899, petitioner applied in person to said Commission at Durant for enrollment of himself and family and that said Commission refused to hear testimony as to petitioner's right to be so enrolled and refused to so enroll petitioner and his said family.

That under the Treaties heretofore entered into between the Choctaw tribe of Indians and the United States and the laws of the

(2).

United states and the laws, usages and custom of the Choctaw Nation, petitioner and his said wife and children are entitled to be so enrolled as citizens of said nation, all of which will more fully appear by reference to said applications and papers as aforesaid, and the affidavit of petitioner filed herewith and Marked "A."

He therefore prays an appeal from the action and rulings of said Commission in refusing to consider petitioners applications and in refusing to enroll petitioner and his family as aforesaid, and that said applications, and all affidavits, marriage licens, certificates and papers filed therewith be-fore said Commission, be filed herein by said commission and that the Secretary of the Interior and Commissioner of Indian Affairs take jurisdiction of this appeal and hear the same and that petitioner and his said wife and children as aforesaid be placed upon the final rolls of the Choctaw nation or tribe of indians and be declared to be entitled to all the rights, privileges immunities and benefits of choctaw indians, and for all necessary orders and relief.

Petitioners Post Office
Durant, Ind.Ter.

Johnson & Horton.

Attorneys for petitioners.

Durant, Ind.Ter.

Central District,
Indian Territory.

I, M.M.Davis, state upon oath, that the facts set forth in the foregoing petition are true to the best of my knowledge and belief.

(Signed) M. M. Davis.

Witness, J. V. Connell

Subscribed and sworn to before me this Oct the 25 1899.

(Signed) L. D. Horton

(Seal).

Notary Public

Central District,
Indian Territory.

I, M.M.Davis, after being duly sworn, state upon my oath as follows: I am 46 years old. Have lived in the choctaw Nation since about 1874 or 1875. I married Minrevy Davis about Oct.15,1878. She was the daughter of Mrs. Mahaly Davis, and her husband David Davis. I do not know when they were married, but they were married here in the Choctaw Nation. David Davis had formerly married a Choctaw woman named Folsom, Aund Bacy Folsom told me this. Mahaleys mother was a white woman I think and perhaps her father was a white man. I have had information that some of them were 1/4 choctaw, but I do not know this to be so. Minerveys Mother had also been married to a choctaw Indian man in Mississippi away back about between 1830 and 1840 as I have been informed. His name was Nickoless Cokenall, and he and her came to this country in an early day. Cokenall died some years before Mahaley married Davis and I think she had married once or twice and her other husband or husbands were dead.

Minervy and I were married in Blue County, Choctaw Nation, according to the Choctaw laws. At least I tried to comply with them strictly. I cannot read or write and Judge Lorin Folsom advised me how to get the license and I followed his instructions. It has been a long time ago and I can't remember all I did in the matter, but he got up a petition and I got the signers and the licens were issued and Judge Folsom married us. He was judge of some of the courts of the Choctaw Nation at the time. He said he was holding court at Armstrong Academy at the time, or, perhaps down below Armstrong Academy and that he would have the license recorded and save me a trip. He went to court the next day and when he come back he handed me the license, or the papers as he called them and said they were all right and that I was all right, or to that effect. There were two of the papers and I put them in my trunk and kept them. I held lands and the courts recognized me as a citizen all the time and issued permits for my tenants just like they did for the other Indians. I did not know my

(2).

rights was questioned and in fact it has not been by the Indian authorities here that I know of. In 1896 when the Dawes Commission were passing upon Citizenship cases, sometime about July, I think, I got H. J. Robinson who lives at this place to make out my papers for the enrollment of myself and I think also for my family. He told me he sent them off and I never heard of them. Minnervy died in 1880 and left no children. It was in March 1880 I think.

In 1883 I married my present wife who is a white woman. I am also a white man. Her name is Annie Davis and her maiden name was Adkins. We were married according to the laws of the state of Texas. We have as the issue of said marriage the following children, Minnie, 14, Hodge 12, Escar 10 and Annie 8 years old, and all live with us in Durant, Ind.Ter.

In 1897, about the last of August, I procured a certified copy of the license by which myself and my present wife were married and procured an application to be made to the Dawes Commission for our enrollment and the enrollment of our children. I am not certain that I applied to have my wife enrolled, but I think I did. This application was in conformity with the instructions published by the Commission in their circular notice issued from Ft.Gibson, I.T. August 2nd 1897. I have not heard what action the commission took on this application. A copy was sent also to the chief of the Choctaw Nation as well as the Dawes commission and I received the return Registry cards from them and annex them to this affidavit as exhibits "A" & "B". They are numbered 49 & 50 respectively. No.50 is signed by the Dawes Com. and No.49 by Green McCurtain-Wallace Bond-dated Ft.Gibson and Sans Bois I.T. Aug.30 1897, respectively. I sent with said last application the affidavit of H. J. Robinson stating that he had forwarded said first application to the said Dawes Commission

(3).

and also as to the marriage certificate issued and certified to by the Indian Officials. Also, the affidavit of Judge Lorin Folsom stating that he had married myself and said Minervy according to the choctaw laws and also other papers which affiant does not now remember. All of which are here referred to and made exhibits to this affidavit by said reference, the same being now in the hands of said Commission and affiant cannot exhibit the same or copies thereof. He also refers to the original petition sent to said Commission in 1896 and all affidavits and papers therewith and asks that they be made a part of this affidavit by reference thereto for the reason that they are also in the possession of said Commission and affiant cannot procure the same or copy thereof. And affiant specially asks that they be accepted as a part of his application for appeal and for enrollment herewith filed, to which this affidavit is attached as exhibit.

Affiant further states that on the 18 day of August, 1899, at Durant, Choctaw Nation, Indian Territory, this affiant appeared before the Dawes Commission in person and applied to have himself and his said wife and children placed upon the rolls of the choctaw Nation and that said Commission refused to place them upon said rolls and refused to take testimony as to their rights to be so enrolled and peremptorily dismissed affiant and that the acting Commissioner, Hon. A. S. McKennon, as affiant is informed, told affiant that they could do nothing for him and that they were not entitled to such enrollment.

Affiant asks that said Commission be required to produce before the Interior Department, and the Commissioner of Indian Affairs the application and papers above referred to and that an appeal be granted to said commissioner of Indian affairs and the Secretary

(4).

of the Interior and that he be granted a Hearing herein and states that his appeal is not taken for the purpose of delay but that justice may be done.

(Signed) M.M. Davis.

Witness J.V. Cannell

Subscribed and sworn to before me this the 25 day of Oct. 1899.

(Signed) L.D. Horton,

"Seal"

Notary Public.

"Exhibit A" *

Endorsed on back: "Indian Office, 1768, 1900. Incl. No.

M.M. Davis vs. Choctaw Nation. Application for Appeal.

Review and Enrollment. Filed May 20 1900 Commission to five tribes."

To the Hon Commission to the five Civilized Tribes,
Fort Gibson, Ind.Ter.

To the Honorable
The Commission to the five civilized Tribes.

Your petitioners, Minnie Davis, Hodge Davis, Eskar Davis and Annie Davis, by their father and next friend, Mat M. Davis, and Mat M. Davis in his own behalf, respectfully represent unto your honorable bodyy.

1st. That the petitioner Mat M. Davis is a white man and that on or about the 15th day of Oct.1878 he was married to Minervia Davis a Choctaw citizen by blood and also on account of her father and mother each having been married to a Choctaw Indian by blood. That said marriage was in every particular celebrated according to the laws, customs ~~and~~ usages forms and ceremonies of the Choctaw tribe of Indians. That said Marriage was in Blue County, Choctaw Nation and that the said M.M.Davis filed his petition, signed as the law required, by 10 Choctaw citizens by blood and procured a license from L.S. W.Folsom a District Judge, and was married by the Hon.L.S.W.Folsom, then a judge of the District Court in the Choctaw Nation. That said license has been lost and the petitioner cannot exhibit the same and asks to be permitted to prove the contents thereof. He files herewith the affidavit of H. J. Robinson showing the loss of said marriage license as Exhibit "A" as a part hereof.

2nd. That the said Minervia Davis departed this life on the 9th day of March 1880.

3rd. That afterwards towit: On the 11th day of Feb.1883 he was lawfully married in Grayson County, Texas, to Mrs. Anne Adkins, as will more fully appear by reference to a certified copy of their marriage license which is herewith filed as a part hereof and marked exhibit "B".

4th. That the said Mat M. Davis and Anne Davis have living as the

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issue of said marriage, the petitioners, Minnie Hodge, Esker and Annie Davis.

Wherefore the petitioner pray that they be entolled as members of the Choctaw Nation or Tribe of Indians.

his
(Signed) Mat M. -X- Davis,
mark.

Subscribed and sworn to before me this the 30 day of August 1897.

(Signed) L.D.Horton

(Seal).

Notary Public.

Witness Marks, L.D.Horton,

P.O.Address, Durant, I.T.

United States of America)
Central Judicial District)
Indian Territory)

I, H. J. Robinson, a resident of Durant, Ind.Ter. 51 years old. State on oath that I am not interested in the result of the application of M.M.Davis et.al. for citizenship in the Choctaw Nation. I am acquainted with Mat M.Davis. Have known him about 10 years. Some time last fall I sent certain papers to the Daws Commission for M.M.Davis. Think I addressed them to Hon.A.S McKinnon at Vinita Ind.Ter. The papers I sent were some permits for different parties working land in the Choctaw Nation under M.M. Davis. Also an oath of Allegiance to the United States which purported to be a copy of the record of the United States Court at South McAlester, Ind.Ter. And a marriage license issued by L.S.W. Folsom, Judge of the District Court of the Choctaw Nation some 19 or 20 years ago. As I remember, it was a license issued to Mat M.Davis and Minervia Davis. It had the imprint of a seal at one or more places and had been recorded if I remember right. I have not seen the papers since.

(Signed) H.J.Robinson.

Subscribed and sworn to before me this the 30 day of August 1897.

(Signed) L.D.Horton,

(Seal).

Notary Public.

Exhibit "A"

State of Texas
County of Grayson.

Marriage License.

To any Judge of the District Court, Judge of the County Court, Ordained or licensed Minister Jewish Rabbi, or Justice of the Peace of Grayson County Greeting:

You are hereby authorized to celebrate the rites of matrimony between M.M.Davis and Mrs.Anne Adkins, and make due return to the Clerk of said Court within sixty days thereafter, certifying your action under this license.

(L.S.) Witness my Official Signature and Seal this 10 day of Feby.1883.

J.P.Austin, Clerk,

By _____ Deputy.

I., J.F.Towers, certify that on the 11 day of Feby.1883 I united in marriage M.M.Davis and Mrs.Anne Adkins the parties above named. Witness my hand this 11 day of Feby.1883.

J.F.Towers Justice Peace Grayson County, Tex.

Returned and filed for record _____ day of _____ 189_ and recorded the _____ day of _____ 189_.

Deputy _____ County Clerk.

State of Texas. :
County of Grayson : I, L. M.Tuck clerk of the county court in and for Grayson County, Texas, hereby certify that the foregoing is a true and correct copy of the marriage license, issued to M.M.Davis and Mrs.Anne Adkins, on the 10th day of February 1883, as the same appears of record in Vol "J" Page 206, of the records of marriage license of Grayson County, Texas.
Given under my hand and seal in office this the 28th day of August, A.D.1897.

(Signed L.M.Tuck, Clerk.

(Seal)

Exhibit "B".

United States of America }
Central Judicial District } Affidavit.
Indian Territory. }

I, Bacy Folsom, state upon my oath that I am a Choctaw Indian by blood being 3/4 or more Indian. I am going on Seventy years old. I know I am more than 69. I live about four miles west from north of Durant Indian Territory. I am the widow of Jacob Folsom and the mother of Tamby Folsom the Sheriff of Blue County Ind.Ter. I am acquainted with Mat Davis. Have known him ever since he come here and was making ties. I was acquainted with his first wife, Minervia Davis. He married her herein the Territory about twenty years ago. She did not live long, about a year and a half I think. She was the daughter of Mahala Davis. Mahala Davis was the widow of Kakenall, I think his name was, Nickolis Kakenall. Her and Kakenall were married in Mississippi more than sixty years ago. They were much older than I am. This man Kakenall was one fourth Choctaw Indian by blood, and Mahaley was about the same. This man Davis the father of Mat Davis' wife, had been here a long time. He had been married before he married Mahaley and his first wife was dead. His first wife was my cousin. He married her in 1839. Her name was Jones and she was one quarter Choctaw Indian. Mc.Davis was much older than I am, must have been 25 or 30 years older than me. Yes I understand the English language very well. These people all come from Mississippi a long time ago. I know Doog Kakenall, the son of my cosin. think he is enrolled here. This man Davis and my cosin were married here in the territory. I do not know exactly where, but think it was at home. I have been living here ever since I was a little girl. I came here from Mississippi with my father Thomas James and am a kin to the James. My father's mother was a Jones. Basic Folsom states on oath that the facts set forth in the foregoing affidavit are true to the best of her knowledge and belief.
(Signed) Bacy Folsom.

(2).

Subscribed and sworn to before me this the 28 day of
August, 1897.

(Signed) L.D.Horton

Notary Public.

(Seal).

United States of America }
Central Judicial District, }
Indian Territory. }

I, Mat M. Davis, do solemnly swear that I am a resident of Durant, Indian Territory. Am 42 years old and have been living in the Choctaw Nation 22 years. I was married to Minervia Davis here in Blue County Choctaw Nation about the 15th day of October 1878. I was well acquainted with L.S.W.Folsom who was at that time a District or Circuit Judge for the District or Circuit of the Choctaw Nation comprising or embracing Blue County. Before I married I applied to him for instructions how to marry according to the Choctaw laws. Acting under his instructions, I convinced him by proof that I did not have a living wife. He wrote me a certificate or petition setting out that I was a white man of good moral character and all other things necessary to which I procured the signatures of his wife, Jemima Folsom, Tandy Folsom, Cyrus James, Cyrus James' wife Lon Bohannon and five other Choctaws whose names I have forgotten. All of them were Choctaw Indians by blood, being ten of them, and all of the ten Choctaws had been acquainted with me more than one year immediately before signing the petition, all of said Choctaws being reputable Indians. I presented this petition signed by ten reputable Choctaws by blood to Judge L.S.W.Folsom, and paid him \$25.00 in money. When I paid him the \$25.00 he administered to me the following affidavit or oath which I then and there took upon myself. "I M.M.Davis do solemnly swear that I will honor, defend and submit to the Constitution and laws of the Choctaw Nation and will neither claim nor seek from the United States Government or from the judicial Tribunals thereof any protection, privilege or redress incompatible with the same, as guaranteed to the Choctaw Nation by the treaty stipulations entered into by them, so help me God," At least that I think is the oath I took. it sounds like it.

(2).

After I had done all these things Judge L. S. W. Folsom issued our license to marry and turned them over to me. I went and got Minervia Davis and took her over to Judge Folsom's house. He performed the Marriage ceremony and sat down, I presume, to attach his certificate to the license. He said that was what he done. After he got done writing on them he turned them over to me to have them recorded within thirty days. He then told me to hand them back to him that he was going to Court the next morning and that he would have them recorded for me. I gave them to him he put them in his pocket. When he came back from Court 3 or 4 weeks afterwards he handed me the license and told me they were all right and that I had as good a right in the Choctaw Nation as any Indian in it. I can't read or write. I noticed considerable writing on the license on both sides of them and the print of a seal, I think, at 2 or 3 places on them. Last fall H. J. Robinson sent this license with some other papers to the Daws Commission and I have not seen or heard of them since. I have been recognized by the local Choctaw Authorities ever since this marriage. I do not know where the license were recorded. I supposed they were recorded at Caddo till last Saturday when I failed to find them there and was informed by Judge Folsom that they were recorded in some county below here and I have not had time to go and hunt ~~them~~ up the record. He has forgotten where they are recorded. It has been a long time ago and he is very old and entirely deaf and very feeble in body and mind. If I could have gotten any trace of the record I would have gotten a certified copy if it had not been destroyed, but will ask leave to introduce this proof, or, if the license are found by the Commission, I will ask that they be used herein. I done everything connected with procuring this license and being married under them that was required by the laws, customs and usages of the Choctaw Nation in force at that time. My wife Minervia died on the ninth (9) day of March 1880.

(3).

In 1883, I married my present wife who is a white woman. We married in Grayson County, Texas, on the 11 day of Feb. 1883 as shown by certified copy of Marriage license filed with my petition. We have living as the issue of that marriage, the applicants, Minnie Davis, Age 13 years, Hodge Davis, 10 years old, Esker Davis 8 years old and Annie Davis 6 years old.

My first wife Minervia Davis was the daughter of Mahala Davis and her husband, I think his name David Davis. I never saw him He was dead before I come here. I never saw Kakenall, the man who was my wife's mother's former husband. These people are all long since dead My wife Minervia told me they all come from Mississippi here a long time ago, and were all partly Choctaw Indians by blood. She also told me that her father had been married to a Choctaw woman by the name of Jones., A way back in the thirties. Minervia was about eighteen years old when we were married and the only child of their marriage. She said her Mother had been married to a Choctaw Man by the name of Kokenall (Or Cokenall) she (my wife) was a half sister to Duge Kakenall who lives in the Choctaw and is enrolled and draws annuity. She was a half sister to George Davis an enrolled Choctaw who lived in the Caddo Hills. Since his death his children draws annuity. He had a son named Alfred, one named Levy and a daughter named Mandy or Amanda. they all live in the Caddo hills now. L.S.W. Folsom was Circuit or District Judge of one of the Districts or Circuits of the Choctaw Nation at the time he married me.

His
(Signed) M. M.-X-Davis
Mark.

Witness Marks L.D.Horton.

Subscribed and sworn to before me this the 30 day of Cusugt 1897.

(Seal).

L.D.Horton,
Notary Public.

United States of America)
Central Judicial District)
Indian Territory.)

I, W. A. Horton, 42 years old, live in Durant, I.T. Do solemnly swear that I am not interested in the termination of the application of M. M. Davis et al. I have read his application, the certified copy of marriage license the affidavits of H.J. Robinson, Bacy Folsom and M.M.Davis, thereto attached-- and have read and compared each of said papers with a certain lot of papers this day mailed to Green McCurtain P.C.C.N. or Gov. of the Choctaw Nation. The said papers forwarded to said McCurtain being true copies of the application Marriage license and affidavit aforesaid. That I saw M.M.Davis mail said papers to said Green McCurtain by registered mail and the registry receipt hereto attached is the one received from the Post Master for said letter. W. A. Horton.

Subscribed and sworn to before me this Aug.30, 1897.

L.D.Horton,

(Seal)

Notary Public.

L. D. Horton,

Notary Public.

Attorney at Law.

Durant, Ind. Ter. Sept. 27, 1897.

Hon Daws Commission:

I send you brief & argument in three of my cases there. If any of them do not come within the pervue of your late order please dismiss them without prejudice.

In the Davis case I feel confident our proof is O.K. and we will succeed.

Yours truly,

(Signed). L.D.Horton.

In the matter of the petition of M.M.
Davis et.al. for citizenship.

Before the Commission to the Five
Civilized Tribes. Ft.Gibson.

Petitioners Argument and Brief.

1st. The evidence shows that Minervia Davis was the daughter of one Davis who had been married to a Choctaw woman by blood. And that her mother had also been married to a Choctaw man by blood. And that each of these marriages were prior to the Choctaw Statute of 1840 and the treaty of 1866. And that they moved to and resided in the Choctaw Nation.

At this time any form of marriage was sufficient, there being no form of penalty prescribed by the Choctaw Council. Hence, under the treaty of 1866, which prescribes (Art.38) "Every white person who, having married a Choctaw or Chickasaw &c. Shall be entitled to citizenship &c. The father and mother of said Minervia became citizens and such right was by them conferred on their child. See John M. Grady vs Choctaw Nation, and other holdings of Judge Clayton.

And the fact of such marriage may be proven by general reputation. Sec 29 Art _____

2nd. The evidence further shows that the mother of Minervia Davis was about one fourth Choctaw Indian by blood. Conceding that she was less than one fourth and that Minervia was less than one eighth, She would still be a citizen, the statute restricting the citizenship to $1/8$ blood being held unconstitutional.

See W. R. Center vs. Choctaw Nation and other cases decided by Judge Clayton.

3rd. M.M.Davis having complied with the Choctaw laws in this marriage to Minervia Davis Acquires all the citizenship rights vested in them and these rights extend to his children by a subsequent marriage. See above authorities &c.

In regard to this marriage it is shown by the best proof obtainable at the time that their marriage was according to the Choctaw laws. We have at least made a prima facie case and are entitled to enrollment Proof having been made as directed by your Commission. See letter of instruction hereto attached.

Respectfully Submitted.

L.D.Horton for

Petitioners.

Department of the Interior
Commission to the Five Civilized Tribes.

Ft. Gibson, I.T. Aug. 11th, 1897.

L.D. Horton Esq.

Durant, I.T.

Dear Sir:

Yours 9th inst. to hand. I have the Secretary to look through our office and we can not find the papers of Mat M. Davis, to which you refer. We have no place to put papers sent to us out of time, and we have tried to return them all. I will have the Secy to make further search when he has time, and if the papers can be found will return them.

He can make proof of their contents showing their loss, and of the facts which will be sufficient for the purpose of his application. If he is on any roll he does not need to apply.

Yours truly

(Signed) A.S. McKennon.

Endorsed on back "Application of M.M. Davis et.al. for enrollment.
Argument & Brief of Petitioners. Filed 9/27/97.

Sheriff's Office of Blue County, Choctaw Nation.

This is to show, to whom it may concern that M.M.Davis has paid to me the sum of Two Ds.fifty cents, being the amount required by law for permission to Levy Daniels to reside within the limits of the Choctaw Nation, in the employ of M.M.Davis as a Laborer for 12 months from this date. Given under my hand on the date above written.

James Hutchison.

Depty Sheroff Blue County, Choctaw
Nation.

Bennington, Choctaw Nation.

To all whom these presents shall come---Greeting:

Know ye, that by virtue of an order of the Court of said County, Permit is hereby issued to George Whiteley, a citizen of the United States, he complying with the laws of said Nation, to remain as a renter on farm of M.M.Davis in said County for the space of Twelve Months from date hereof, with privileges to do all things necessary to prosecute said occupation that of farmer not contrary to the regulations respecting persons obtaining permits.

Given under my hand and seal of office this 5th day of
April, A.D.1886;

(Signed) William Gardner.

Clerk Blue County,

Choctaw Nation

(Seal)

The Choctaw Nation)
)
Blue County.)

To all to whom these presents shall come Greeting Know
ye that by virtue of an order of the Court of said County permit is
hereby issued to J.R.Davis Citizen of the U.S. he complying with the
law of said Nation to remain as renter on the farm of M.M.Davis in
the said County for the space of twelve Month. ensuing the date
hereof with privilege to do all things necessary to prosecute his
profession that farmer not contray to the regulation respecting per-
sons obtaining permits.

Given under my hand and seal of office this
23d May 1885.

(Signed) J.E. Nelson

Dept. CO & PRO Clerk

B.C.C.N.

(Seal)

Office of County Clerk.

Bennington, Choctaw Nation.

To all Whom these presents shall come---greeting:

Know ye, that by virtue of an order of the Court of said County, Permit is hereby issued to A. W. Deven, a citizen of the United States, he complying with the laws of said Nation, to remain as Renter farm M.M.Davis in said County for the space of Twelve Months from date hereof, with privilege to do all things necessary to prosecute said Occupation that of Farmer not contrary to the regulations respecting persons obtaining permits.

Given under my hand and seal of office this 23rd day of May A.D.1886.

Wm. Gardner

Clerk Blue County Choctaw Nation.

(Seal)

Office of County Clerk,

Bennington, Choctaw Nation.

Blue County.

To all whom these presents shall come---Greeting:

Know ye that by virtue of an order of the Court of said County, Permit is hereby issued to David Murrey a citizen of the United States, he complying with the laws of said Nation, to remain as Renter farm of M.M.Davis, in said County for the space of twelve Months from date hereof, with privilege to do all things necessary to prosecute said occupation that of farmer not contrary to the regulations respecting persons obtaining permits.

Given under my hand and seal of office this 29 day of May, A.D.1886.

(Signed) Wm.Gardner.

Clerk Blue County,
Choctaw Nation.

(Seal.)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Matt Davis for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his wife, Annie Davis, and their minor children, Minnie Davis, Hodge Davis, Oscar Davis and Annie Davis, as citizens of the Choctaw Nation.

---: D E C I S I O N :---

The record in this case shows that the applicant, Matt Davis, appeared before the Commission at Durant, Indian Territory, at its session, beginning August 14, 1899, and ending August 18, 1899, and then and there made application for the enrollment of himself, his wife, Annie Davis, and their minor children, Minnie Davis, Hodge Davis, Oscar Davis and Annie Davis, as citizens by intermarriage of the Choctaw Nation.

It does not appear from the evidence offered in support of this application, and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the

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applicants or any of them, have ever been enrolled as citizens of the Choctaw Nation, nor do their names, or any of them, appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they, or any of them, have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that none of the applicants have ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It appears from the evidence and an examination of the record in this case, that Matt Davis, whose full name is Matt M. Davis, is a white man, and was lawfully married on October 15, 1878, to Minervy Davis, a daughter of David Davis and Mrs. Mahala Davis, the said Minervy Davis and her mother being Choctaw Indians and duly recognized as such, as required by the act of the National Council of the Choctaw Nation, passed November 9, 1875, which is as follows:

"Be it enacted by the General Council of the Choctaw Nation assembled: Any white man or citizen of the United States or of any foreign government desiring to marry a Choctaw woman, citizen of the Choctaw Nation, shall be and is hereby required to obtain a license for the same, from one of the circuit clerks or judges of the court of record, and make oath or satisfactory showing to such clerk or judge, that he has not a surviving wife from whom he has not been lawfully divorced; and unless such information be freely furnished to the satisfaction of the clerk or judge, no license as provided herein shall issue; and every white man or person

(3).

applying for a license as provided herein shall, before obtaining the same, be required to present to the said clerk or judge, a certificate of good moral character, signed by at least ten respectable Choctaw citizens by blood, who shall have been acquainted with him at least twelve months immediately preceding the signing of such certificate, and before any license as herein provided shall be issued, the person applying shall be and is hereby required to pay to the clerk or judge the sum of twenty-five dollars; and be also required to take the following oath:

"I do solemnly swear that I will honor, defend and submit to the constitution and laws of the Choctaw Nation, and will neither claim nor seek from the United States Government or from the judicial tribunals thereof, any protection, privileges or redress incompatible with the same as guaranteed to the Choctaw Nation by the treaty stipulations entered into between them, so help me God.".....

Should any man or woman, a citizen of the United States or of any foreign Government, become a citizen of the Choctaw Nation by intermarriage as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman, or any person as the case may be, having no right of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

It appears that the said Matt Davis and his wife, Minervy Davis, after their marriage, continued to reside in the Choctaw Nation, and resided there up to the death of Minervy Davis, sometime in the year 1880. There was no issue of said marriage. It further appears from the records and the evidence that in the year 1883 the said Matt Davis married his present wife, Annie Davis, who is a white woman, in Gainesville, Texas, under the laws of the state of Texas, and that the other applicants, Minnie Davis, Rodge Davis, Escar Davis and Annie Davis, are the issue of this last marriage.



Under the provisions of the act of the National Council of the Choctaw Nation, passed November 9, 1878, supra, whatever rights the said Matt Davis acquired by reason of his marriage to his Choctaw wife, were forfeited by this second marriage, and no rights

(4).

of citizenship could be conferred upon his present wife, who is a white woman, and their children.

It is, therefore, the opinion of this Commission that the applicants, Matt Davis, Annie Davis his wife, and their children, Minnie Davis, Hedge Davis, Oscar Davis and Annie Davis, are not lawfully entitled to be enrolled as intermarried citizens of the Choctaw Nation, and that their application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman
Commissioner.

C. R. Bucknidge
Commissioner.

Muskogee, Indian Territory,

APR -9 1902

COPY.

Chectaw R 354

Muskogee, Indian Territory, April 9, 1902.

Matt Davis,

Durant, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself, your wife, Annie Davis, and your children, Minnie Davis, Hodge Davis, Escar Davis and Annie Davis as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamm Bixby.

(SIGNED)

Acting Chairman.

Enc Y-15

Register.

Chester B 304

COPY.

Muskogee, Indian Territory, April 9, 1902.

Chester Howe,

623 F Street, N. W.,

Washington, D. C.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Matt Davis, Annie Davis, Minnie Davis, Hodge Davis, Hagar Davis and Annie Davis as citizens of the Cheatar Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

CHESTER B 304: *Tams Bixby.*

Acting Chairman.

Bks Y-14

Register.

COPY,

Chester R 354

Muskogee, Indian Territory, April 9, 1902.

J. O. Peel,

Attorney at Law,

Hecoma, Texas.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Matt Davis, Annie Davis, Minnie Davis, Hedge Davis, Oscar Davis and Annie Davis as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Tams Bixby.

Acting Chairman.

Enc Y -17

Register.

COPY.

Muskogee, Indian Territory, April 9, 1902.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Matt Davis, Annie Davis, Minnie Davis, Hedge Davis, Eugar Davis and Annie Davis as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED:

Tamie Bixby.

Acting Chairman.

Enc Y-16

Register.

COPY.

Chectaw p 354

Muskogee, Indian Territory, April 9, 1902.

E. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Matt Davis, Annie Davis, Minnie Davis, Hedge Davis, Esau Davis and Annie Davis, as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

Tams Bixby.

Acting Chairman.

Enc Y 19

Register.

COPY.

Choctaw R 284

Muskogee, Indian Territory, April 9, 1902.

Messrs Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Matt Davis, Annie Davis, Minnie Davis, Hodge Davis, Beear Davis and Annie Davis, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED.

Tame Bixby.

Acting Chairman.

Enc Y 20

Register.

COPY.

Muskogee, Indian Territory, April 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Matt Davis for the enrollment of himself, his wife, Annie Davis, and his minor children, Minnie Davis, Hodge Davis, Oscar Davis and Annie Davis, as citizens of the Cheetaw Nation, including the decision of the Commission, dated April 9, 1902, refusing the application for the enrollment of Matt Davis, Annie Davis, Minnie Davis, Hodge Davis, Oscar Davis and Annie Davis as citizens of said nation.

Respectfully,

(SIGNED).

Jame Bixby.

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

(COPY)

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T.P.

DEPARTMENT OF THE INTERIOR.
I.T.D.3132-1902 Washington.

WHR.

L.R.S.

May 23, 1902.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 14, 1902, the Acting Commissioner of Indian Affairs submitted the record in the matter of the application of Matt Davis, for the enrollment of himself and his wife, Annie Davis, and their four children, as citizens of the Choctaw Nation.

It appears that Matt Davis is a white man and was married in 1878, in the Indian Territory, to a Choctaw woman, in accordance with the Choctaw laws, and that he and his wife continued to reside in the Choctaw Nation; that his wife died in 1880, and in 1883 he married his present wife, a white woman, in Texas, and that the children for whom application is made, are the issue of this last marriage.

Referring to the laws of the Choctaw Nation which provide that-

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Choctaw nation by inter-marriage, as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman or person as the case may be, having no rights of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

You rejected the application holding that whatever rights Davis acquired by reason of his marriage to his Choctaw wife, were forfeited by his second marriage, and therefore his present wife and children by her acquired no rights in the Indian Territory.

The Acting Commissioner finds that all of the parties except Annie Davis, should be enrolled, basing his conclusions mainly upon the decision of the United States Court in the somewhat similar case of Robinson vs. The Choctaw Nation (see your 8th Annual Report, page 124), from which he quotes at considerable length.

In your decision you make no reference to this decision of the Court.

The Department desires further expression of opinion by you in regard to this case, especially concerning the views of the Indian Office, and therefore incloses the record herewith, together with a copy of the Acting Commissioner's letter.

Respectfully,

Thos. Ryan,

Acting Secretary.

E.M.D.

2 Inclosures.

(COPY)

Land
22707-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. May 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated April 9, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes forwarding for the consideration of the Department the record relative to the application of Matt Davis for the enrollment of himself, his wife, Annie Davis, and his minor children, Minnie, Hodge, Escar and Annie Davis as citizens of the Choctaw Nation.

April 8, 1902, the Commission held that the parties above named were not entitled to be enrolled as intermarried citizens of the Choctaw Nation.

The record in this case shows that on or about October 15, 1887, Matt M. Davis, a white man, married in accordance with the laws of the Choctaw Nation Minervy Davis daughter of David Davis and Mahaly Davis. The record shows that Minervy Davis was a recognized citizen of the Choctaw Nation; that her father, David Davis, had, prior to marrying her mother, been married to a citizen of the Choctaw Nation; that her mother had also, prior to the time she married Minervy Davis' father, been married to a citizen of the Choctaw Nation. The record shows that the father

and mother of Minervy Davis were married some time between 1830 and 1840.

Minervy Davis died during the month of March, 1880, leaving no issue, and on February 11, 1883, Matt M. Davis, the principal applicant, married his present wife, Annie Davis, whose maiden name was Adkins, in accordance with the laws of the state of Texas. His present wife is a white woman.

The Choctaw intermarriage law approved November 9, 1875, (Durrant's Digest p. 225) is in part as follows:

"1. Be it enacted by the general council of the Choctaw nation assembled: Any white man, or citizen of the United States, or of any foreign government, desiring to marry a Choctaw woman, citizen of the Choctaw nation, shall be and is hereby required, to obtain a license for the same, from one of the circuit clerks or judges, of a court of record, and make oath or satisfactory showing to such clerk or judge, that he has not a surviving wife from whom he has not been ~~legally~~ divorced; and unless such information be freely furnished to the satisfaction of the clerk or judge, no license shall issue; and every white man or person applying for a license as provided herein, shall, before obtaining the same, be required to present to the said clerk or judge, a certificate of good moral character, signed by at least ten respectable Choctaw citizens by blood, who shall have been acquainted with him at least twelve months immediately preceding the signing of such certificate; and before any license as herein provided, shall be issued, the person applying shall be and is hereby required to pay to the clerk or judge the sum of twenty-five dollars; and be also required to take the following oath: 'I do solemnly swear that I will honor, defend, and submit to the constitution and laws of the Choctaw nation, and will neither claim nor seek from the United States government or from the judicial tribunals thereof, any protection privilege, or redress incompatible with the same as guaranteed to the Choctaw nation by the treaty stipulations entered into between them, so help me God.'

2. Marriages contracted under the provisions of this act, shall be solemnized as provided by the laws of this nation, or otherwise null and void.

3. No marriage between a citizen of the United States, or any foreign nation, and a female citizen of this nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal, and every person who shall engage and assist in solemnizing such marriage, shall upon conviction be fined

fifty dollars, and it shall be the duty of the district attorney in whose district such person resides to prosecute such person before the circuit court, and one-half of all fines arising under this act, shall be equally divided between the sheriff and the district attorney.

5. Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Choctaw nation by inter-marriage, as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman or person as the case may be, having no rights of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

Section 21 of the Curtis Act declares, among other things, that:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

Article 38 of the treaty of April 28, 1868 (14 Stats., 769) is as follows:

"Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw or Chickasaw."

Judge Clayton, United States District Judge for the Central District of the Indian Territory, in the case of F. R. Robinson against the Choctaw Nation, after quoting from section 5 of the Choctaw act of November 9, 1875, and quoting article 38 of the treaty of 1868, referring to said articles said:

"A" "By this provision of the treaty there is to be no difference between a citizen by virtue of his marriage and a native Choctaw. They are to enjoy equally and alike all of the benefits of Choctaw citizenship, as well as share the burdens. Any act, therefore, of the Choctaw council passed after the ratification of the treaty which makes a distinction between them, granting one greater privileges or rights, or imposing on him more burdens than the other, or which shall undertake to enlarge or curtail the rights and privileges which flow from citizenship as to the one and not as to the other, would be in violation of this provision of the treaty and therefore void. An act which puts the white man in any respect in a different attitude or condition than the Indian is void."

and held that,

"B" "Now, unless, a marriage of a native Indian to a white woman, after his Indian wife shall have died, has the same effect on him---that is, decitizenizes him, divests him of all title to the Choctaw lands, and deprives him of the right to live in the country---the statute works an inequality, and the white man does not enjoy the same privileges as the native Indian. The citizenship is different and the rights flowing therefrom are not the same. The one may do an act that the other can not do; the one has a privilege, that of marrying a white woman, that the other does not enjoy. The important right of unrestricted selection of a wife enjoyed by the native Indian is denied the white citizen by marriage; and therefore, the provisions of the statute being in conflict with the treaty, are absolutely void; and it makes no difference whether the first marriage was before or after the enactment of the statute. Of course the latter marriage must be in accordance with the laws of the Choctaw Nation."

I therefore find that the claimant is entitled to be enrolled. I hold also that the offspring of such a marriage would be entitled to be enrolled; the father being a lawful citizen, his children would follow his citizenship, and by inheritance take any property rights he may have acquired thereby; but I do not think that the commissioners who negotiated the treaty ever contemplated that it should extend further and enable a white man, whose Indian wife should have died, to be in a condition that by his second marriage to a white woman he could, by virtue of such marriage, confer on his wife citizenship so far that in case of his death she might remarry and confer on her white husband and her children by her second marriage the rights of Choctaw citizenship.

The action of the Dawes commission in enrolling the claimant is affirmed. Judgment for claimant."

In the opinion of this office when Matt M. Davis married his Choctaw wife in accordance with the laws of that nation he became, to all intents and purposes, so far as property rights in the Choctaw Nation are concerned, an Indian, and that by such marriage he became entitled to all the rights and privileges of participating in the distribution of the common property of the nation. If this be true, he could not, by a subsequent marriage to a white woman, performed under laws other than those of the Choctaw nation, divest himself of his citizenship right.

If this applicant had been a full-blood Choctaw Indian and had married a white woman in accordance with the laws of the state of Texas he would still be a citizen of the Choctaw nation and his children by such marriage would be citizens of the Choctaw Nation. This applicant, the office believes, as above stated, became, when he married his Choctaw wife in accordance with the laws of the nation, an Indian to the extent of being entitled to share in the property of the nation, and it does not believe that his subsequent marriage to a white woman in accordance with the laws of the state of Texas divested him of this right. This marriage did not, however, confer, in the opinion of this office, the right of citizenship upon his wife, but the office does believe that the offspring of that marriage follow the status of the father and that they are, within the meaning of the law, Indians, and entitled to share in the distribution of the land of the Choctaw Nation.

It is therefore respectfully recommended that the Commission be instructed to enroll Matt M. Davis and his minor children Minnie, Hodge, Escar and Annie Davis, and that its decision refusing to enroll Annie Davis, wife of Matt M. Davis as an intermarried Choctaw be approved.

Very respectfully,
Your obedient servant,

A. C. Tonner,
Acting Commissioner.

G.A.W.(S)

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T.P.

I.T.D.3132-1902 DEPARTMENT OF THE INTERIOR.
Washington.

WHR.

L.R.S.

May 23, 1902.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 14, 1902, the Acting Commissioner of Indian Affairs submitted the record in the matter of the application of Matt Davis, for the enrollment of himself and his wife, Annie Davis, and their four children, as citizens of the Choctaw Nation.

It appears that Matt Davis is a white man and was married in 1878, in the Indian Territory, to a Choctaw woman, in accordance with the Choctaw laws, and that he and his wife continued to reside in the Choctaw Nation; that his wife died in 1880, and in 1883 he married his present wife, a white woman, in Texas, and that the children for whom application is made, are the issue of this last marriage.

Referring to the laws of the Choctaw Nation which provide that-

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Choctaw nation by inter-marriage, as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman or person as the case may be, having no rights of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

You rejected the application holding that whatever rights Davis acquired by reason of his marriage to his Choctaw wife, were forfeited by his second marriage, and therefore his present wife and children by her acquired no rights in the Indian Territory.

The Acting Commissioner finds that all of the parties except Annie Davis, should be enrolled, basing his conclusions mainly upon the decision of the United States Court in the somewhat similar case of Robinson vs. The Choctaw Nation (see your 8th Annual Report, page 124), from which he quotes at considerable length.

In your decision you make no reference to this decision of the Court.

The Department desires further expression of opinion by you in regard to this case, especially concerning the views of the Indian Office, and therefore incloses the record herewith, together with a copy of the Acting Commissioner's letter.

Respectfully,

Thos. Ryan,

Acting Secretary.

E.M.D.

2 Inclosures.

Washington, Indian Territory, July 15, 1904

The Honorable

Secretary of the Interior

Sir:

I have the honor to reply to your letter of the 27th inst. (1904) regarding the donation of the National Map Library to the Department of the Interior. The map library is a collection of maps of the United States and its territories, and is a valuable asset to the Department.

The map library is a collection of maps of the United States and its territories, and is a valuable asset to the Department. It contains a large number of maps of the United States and its territories, and is a valuable asset to the Department.

I am, Sir, very respectfully,
Your obedient servant,
John D. Smith

Special Agent in Charge

Department of the Interior

Washington, D. C.

Very truly yours,
John D. Smith

Secretary 2

similar case of Robinson vs. The Cheetaw Nation (See your 8th Annual Report, page 124), from which he quotes at considerable length."

The Department also states that it "desires further expression of opinion by you (the Commission) in regard to this case, especially concerning the views of the Indian Office, and therefore incloses the record herewith, together with a copy of the Acting Commissioner's letter."

All the papers referred to are received.

Seemingly the first question to be considered in this matter is whether the doctrine laid down by the United States Court in the case of Robinson vs. The Cheetaw Nation, or in any similar case, is obligatory upon the Commission or simply persuasive, in the exercise of its functions in regard to a case of this character.

Before dealing with the effect of more recent legislation, it seems proper to call attention to certain features of the Act of June 10, 1896, under which the case of Robinson vs. the Cheetaw Nation arose.

It is well known that the act now under consideration was passed for the purpose of giving relief, or of affording a tribunal, to certain "claimants" or "disputed citizens" of the Cheetaw and other tribes of Indian Territory . The relevant

Secretary 3

part of the act, referring to the Commission, provides:

"That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled: Provided, however, That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: And provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof."

"In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their power for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal

Secretary 4

from such decision to the United States district courts: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final."

"That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein."

(Act of June 10, 1896. 29 Stat., 339, C.398.)

No question is raised by the Commission as to the sufficiency or finality of a decision of the court in the case of any applicant who applied for admission to citizenship under this act. The act itself says "the judgment of the court shall be final".

But it is a very different and serious question whether a doctrine laid down by the court at that time is to expand in its effect so as to efface the specific limitations of the act and confer upon claimants "who desire such citizenship" all the rights and benefits of a favorable decision upon an application made within the "three months" limit provided by Congress.

Unless that act, and all that took place and was said under it, is confined strictly to the persons who were the actual subjects of decisions, then a claimant today has only to prove a state of facts, analogous to those of some case favorably

Secretary 3

acted upon at the time, in order to enter upon the enjoyment of successful compliance with all the requirements of this law.

It has heretofore been contended that the state of unsound mind and of infancy exempted persons from the limitations of time prescribed in the law referred to. Upon this question Attorney General Van DeVanter gave the Department an opinion "in the negative", June 6, 1901, and approved by the Department on the same date.

The Commission fully concurs in the opinion of the Assistant Attorney General; and it is further of the opinion that the proposed application of the doctrine of the court would be an extension of the law and of the authority of the court, acting under the law in question, and in violation of the specific limitations named in the act. Hence the Commission concludes that, while these decisions of the court are of course binding, yet the doctrine in this instance is not obligatory upon the Commission, as is usually and necessarily the case, but is and should be simply persuasive, as its merits may appear.

Passing from the consideration of the force and effect of the act of June 10, 1896, we call attention to subsequent legislation; and it may be noted that perhaps in regard to no

Secretary 6

subject has Congress made so many changes in so short a time as it has in regard to the rolls and citizenship requirements of these tribes.

The Act of June 7, 1897, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any of said tribes, when ratified, shall operate to suspend any provisions of this act if in conflict therewith as to said nation: Provided, That the words, "rolls of citizenship", as used in the act of June tenth, eighteen hundred and ninety-six, making appropriations for correct and contingent expenses of the Indian department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized courts thereof, or the commission under the Act of June tenth, eighteen hundred and ninety-six. And all other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this act. And any name appearing upon such rolls and not confirmed by the act of June tenth, eighteen hundred and ninety-six as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days' previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation: Provided, also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the act of June tenth, eighteen hundred and ninety-six."

The pertinent part of Section 21 of the Act of June 28, 1898, after providing especially for a new roll of Cherokee citizens and of Cherokee freedmen, is as follows:

Secretary 7

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

In connection with the foregoing are elaborate provisions to enable the Commission to perform the complicated duties imposed. And, instead of providing for an appeal to the United States Court, as before, the review and approval of the Secretary of the Interior is required, it being stated in this act these rolls,

" x x when approved by the Secretary of the Interior, shall be final, x x x ".

The Act of May 31, 1900 contains the well known provision

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, x x ".

The Act of March 3, 1901 follows with the provision that

"The rolls made by the Commission to the five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized

Secretary 8

by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto."

The constant spirit of Congressional legislation has been one of dissatisfaction with the past and a desire to make new and more stringent provisions for the future in matters of Indian citizenship. Not content with recasting the status of citizenship affairs, as relates to persons not covered by a final decision under the Act of June 10, 1896, the present Congress, in An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes*, approved July 1, 1903, proceeds to deal directly with even those who were the subjects of favorable and heretofore "final" decision by the United States Court in Indian Territory, under said act of June 10, 1896.

The following parts of this agreement, pending now only in so far as the Choctaw and Chickasaw Nations are concerned, are instructive in this inquiry:

"Section 27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stat., 495), and the act of Congress approved May 31, 1900 (31 Stat., 221), except as herein otherwise provided: Provided, That no person

Secretary 9

claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined."

Section 31. In part: "It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory, acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within 90 days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts."

Section 32. In part: "Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, wherever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said

Secretary 10

court to determine the very right of the controversy."

It is further prescribed in Section 32 that paragraphs thirty-one, thirty-two and thirty-three (the latter creating the court), "shall go into effect immediately after the passage of this Act by Congress."

As indicative of the distinction between claimants who have been made the subjects of favorable decisions, upon the one hand, and those who may be covered only by the doctrine of the United States Court in Indian Territory, in proceedings under the Act of June 10, 1896, upon the other, attention is called to the following clause of Section 24 of the agreement just passed by Congress:

"During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement."

Apart from the limitation contained in the Act of June 10, 1896, subsequent legislation placed the citizenship question upon an essentially new basis, giving the Commission new duties, making it, as it were, a new body, a new court, and vesting the

Secretary 11

right of appeal to the secretary of the Interior.

It is perhaps unknown to our laws that a right of review never exists. Time and again the Department, the Commission and the courts reverse themselves. They are always open to the effect of further consideration. (This cannot be true of a court or a jurisdiction that has ceased to exist; and it cannot lay its dead hand upon the living machinery of the Government and paralyze its energies and functions.) Its decisions stand, as the law requires; but its doctrines have only the life of its power.

But even if this did not follow from these considerations, subsequent legislation comes in and makes it so.

The Act of June 10, 1896, provides "That the rolls of citizenship of the several tribes as now existing are hereby confirmed X X ". The Act of June 7, 1897 says that this "shall be construed to mean the last authenticated rolls of each tribe which have been approved by the Council of the Nation, X X "; and it expressly states that it shall also mean such additional names and their descendants as have been subsequently added either by the Council of such Nation, the duly authorized courts thereof, or the Commission under the Act of June 10, 1896.

Only those "added" are included or are in any way confirmed. All others must stand the test of entirely new proceedings, even though they be upon the authenticated rolls

Secretary 12

adopted in 1896.

(The Act of June 26, 1896 goes further. The direction to "eliminate from the tribal rolls such names as may have been placed thereon by fraud or without authority of law" gives a jurisdiction to the Commission and the Secretary of the Interior far wider than that previously and temporarily extended to the Commission and the United States Court in Indian Territory. It relates to all the rolls, without limitation, of the Choctaw and Chickasaw Nations. It is a question whether this does not also include the names of those "added" by being fraudulently and notoriously interpolated in the decisions of the United States Court in Indian Territory. The courts themselves have since purged their former decisions of the names of numbers of such persons, all of whom were "construed to mean" a part of the rolls under the act of 1897.)

The Act of May 31, 1900 goes still further. It forbids the Commission from even receiving the applications of any one not already "admitted". No mere right to admission will suffice; but an applicant must have been a "recognized" citizen, and duly and lawfully enrolled or admitted "as such"; and, as is well settled, the exercise of this judicial ^{discretion} ~~admission~~ is vested alone in the Commission and the Secretary of the Interior.

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By a series of new legislation the Commission is clothed with new and constantly broadened judicial power, with a new and different right of appeal, viz: to the Secretary of the Interior. "Under these acts of Congress, the Commission to the Five Civilized Tribes is a special tribunal, vested with judicial power to hear and determine the claims of all applicants to citizenship in the Five Tribes; and its enrollment or refusal to enroll the applicant in each particular case constituted its judgment in that case. Congress saw fit to ~~invest~~ the judicial discretion of the Commission the determination of the application of the plaintiff in error, and of every question of law and of fact which that decision involved."

(United States Circuit Court of Appeals, Eighth Circuit, October 18, 1900, Kimberlin vs Commission to Five Civilized Tribes et al. Commission's Eighth Annual Report p 203.)

It seems clear that the Commission and the secretary of the Interior are imperforming these functions in no wise under bondage to the doctrines arising from an extinct power of the United States Court in Indian Territory. No comparison or relationship can just be made or established between the new and the old.

Secretary 14

Nothing can be more convincing that the doctrines of a dead power should be only persuasive upon the living, than what we believe at least to be, the unsoundness of the doctrine now sought to be applied and the injurious consequences which would flow therefrom.

The decision in question, that of the United States Court in Indian Territory, in the case of F. M. Robinson v. the Choctaw Nation (Commission's Eighth Annual Report p 124), arose especially, as the case now at bar does, under the following provisions of law:

"Should a my man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Choctaw nation by inter-marriage, as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman or person as the case may be, having no rights of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

(Section 5, Choctaw Act approved November 9, 1897.
(Durant's Digest, p. 825.)

Article 28 of the treaty of April 28, 1866, (14
Stats., 769):

"Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he

Secretary 15

was a native Choctaw or Chickasaw."

Section 21 of the Curtis Act states:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The court in this connection held that:

"By this provision of the treaty there is to be no difference between a citizen by virtue of his marriage and a native Choctaw. They are to enjoy equally and alike all of the benefits of Choctaw citizenship, as well as share the burdens. Any act, therefore, of the Choctaw council passed after the ratification of the treaty which makes a distinction between them, granting one greater privileges or rights, or imposing on him more burdens than the other, or which shall undertake to enlarge or curtail the rights and privileges which flow from citizenship as to the one and not as to the other, would be in violation of this provision of the treaty and therefore void. An act which puts the white man in any respect in a different attitude or condition than the Indian is void."

The court further held as follows:

"Now, unless a marriage of a native Indian to a white woman, after his Indian wife shall have died, has the same effect on him --- that is, decitizenizes him, divests him of all title to the Choctaw lands, and deprives him of the right to live in the country --- the statute works an inequality, and the white man does not enjoy the same privileges as the native Indian. The citizenship is different and the rights flowing therefrom are not the same. The one may do an act that the other can not do; the one has a privilege, that of marrying a white woman, that the other does not enjoy. The important right of unrestricted selection of a wife enjoyed by the native Indian is denied the white citizen by marriage;

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and therefore, the provisions of the statute being in conflict with the treaty, are absolutely void; and it makes no difference whether the first marriage was before or after the enactment of the statute. Of course the latter marriage must be in accordance with the laws of the Choctaw Nation.

I therefore find that the claimant is entitled to be enrolled. I hold also that the offspring of such a marriage would be entitled to be enrolled; the father being a lawful citizen, his children would follow his citizenship, and by inheritance take any property rights he may have acquired thereby; but I do not think that the commissioners who negotiated the treaty ever contemplated that it should extend further and enable a white man, whose Indian wife should have died, to be in a condition that by his second marriage to a white woman he could, by virtue of such marriage, confer on his white wife citizenship so far that in case of his death she might remarry and confer on her white husband and her children by her second marriage the rights of Choctaw citizenship.

The action of the Dawes commission in enrolling the claimant is affirmed. Judgment for claimant."

After laying down the doctrine that

"there is to be no difference between a citizen by virtue of his marriage and a native Choctaw;"

and

"that they are to enjoy equally and alike all of the benefits of Choctaw citizenship, as well as share the burdens;"

and, further, that

"Any act, therefore, of the Choctaw Council passed after the ratification of the treaty which makes a distinction between them, granting one greater privileges or rights, or imposing on him more burdens than the other, or which shall undertake to enlarge or curtail the rights and privileges which flow from citizenship as to the one and not as to the other, would be in violation of this provision of the treaty and therefore void;"

Secretary 17

After laying down this doctrine in the most complete and emphatic manner, the court immediately shrank from it.

It immediately proceeded to "curtail the rights and privileges which flow from citizenship as to the one;" and held that it did

"not think that the commissioners who negotiated the treaty ever contemplated that it should extend further and enable a white man, whose Indian wife should have died, to be in a condition that by his second marriage to a white woman he could, by virtue of such marriage, confer on his white wife citizenship so far that in case of his death she might remarry and confer on her white husband and her children by her second marriage the rights of Choctaw citizenship."

In fact the view taken by the court of the meaning and intent of Article 38 of the treaty of 1866, was wrong, not only in part, but in toto. The fact that the Commission shared the error in the vast press of business and of new questions at that time, does not strengthen the present position of the case. We have a new lease of authority to correct it, at least in part, if the Department concurs, while the court has not. The section of the treaty in question was, and clearly was intended to be, merely a grant of jurisdiction to the Indian courts over inter-married white citizens, so long as they remained such; and it was in no wise intended to take from the Choctaw and Chickasaw Nations the regulation of their citizenship and family affairs, by far the dearest rights they had. It was rather to extend,

secretary 18

confirm and put at rest that question and power; and we think that it takes an unusual construction of language to hold otherwise.

It is well known that an old and very troublesome matter with the Indians was the control of intermarried white men, who possessed, claimed, and exercised Indian citizenship rights in matters pertaining to property and business facilities, but claimed the rights of white men and non citizens when there arose a question of the jurisdiction over them of the Indian courts.

Let the section be construed, first, in the light of its own language and construction; and, second, in the light of legislation both prior and subsequent to its enactment.

The section relates exclusively to intermarried white persons who (1) reside "in the Choctaw or Chickasaw Nation"; or (2) who have "been adopted by the legislative authorities." Lawfully intermarried whites, where citizenship is granted by intermarriage, are universally known as "adopted" citizens, though, while rare cases are known of white people being adopted direct by legislative act.

Certain things are enacted of such a "white" person: (1) He "is to be deemed a member of said nation." This is punctuated as a proposition to itself. (2) And he "shall be

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subject to the laws of the Choctaw and Chickasaw Nations according to his domicile." This is a separate and distinct clause, placing the party generally under the Indian "laws" x x x "according to his domicile". But this had been an endless subject of dispute, not to say quibbling, and contention. There must follow prosecution and punishment; and each is made the subject of a special clause. Hence we find that the intermarried or adopted white person is also, in terms, made subject, (3) "to prosecution and trial before their tribunals"; and, (4) "to punishment according to their laws in all respects as though he was a native Choctaw or Chickasaw".

A comma separates each of the foregoing propositions. The qualifying words in each clause relate only to the subject matter or propositions of the particular clause in which they occur. In the last clause there is no comma or other separation between the words "to punishment according to their laws" and the words "in all respects as if he was a native Choctaw or Chickasaw."

We do not mean to say that, even if the latter words, from which strength and color are derived, were so used as to qualify all the propositions of the section, it would justify the construction that white persons were to be deemed citizens any longer than they maintained their citizenship under tribal

Secretary 20

laws and customs. They would have that qualifying effect if they had been punctuated apart instead of being blended into one clause following the last comma. They are so punctuated in the Constitution, Laws and Treaties of the Chickasaw Nation of 1899, p 511; but not so in the official publication of the United States, or in the 1894 compilation of the Choctaw Nation.

The Government has occupied an especially paternal and trusted position with respect to these tribes. As early as the treaty of March 24, 1837 these tribes showed the utmost confidence in the Government safe guarding their domestic interests, when they provided in Article 4 of said treaty, as follows:

"To provide for the future adjustment of all complaints or dissatisfaction which may arise to interrupt the peace and harmony which have so long and so happily existed between the Choctaws and Chickasaws, it is hereby agreed by the parties that all questions relative to the construction of this agreement shall be referred to the Choctaw agent to be by him decided; reserving however, to either party, should it feel itself aggrieved thereby, the rights of appealing to the President of the United States, whose decision shall be final and binding. But as considerable time might elapse before the decision of the President could be had, in the mean time the decision of the said agent shall be binding."

In the treaty of 1865 they showed careful concern in regard to their social affairs and rights of citizenship. Section

Secretary 21

7 of that treaty provides:

"So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government, and full jurisdiction over persons and property within their respective limits; excepting, however, all persons, with their property, who are not by birth, adoption, or otherwise citizens or members of either the Choctaw or Chickasaw tribe; and all persons, not being citizens or members of either tribe, found within their limits, shall be considered intruders, and be removed from and kept out of the same by the United States agent, assisted if necessary by the military x x x."

Provisions of the treaty of 1866, other than Article 36, show that the intrusion and the assumption of exceptional status, by white men, were matters of special concern to these tribes; and they betray no where any desire, purpose, or conscious ness of innovations in their domestic and citizenship concerns. Upon the contrary, they sought to strengthen this hold. Article 7 of this treaty provides that:

"The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of persons and property within the Indian Territory: Provided, however, Such legislation shall not in anywise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw Nations respectively."

Their distinction between white persons subject and not subject to their laws is specially shown in Article 16 of

Secretary 22

this treaty, as follows:

"The United States shall protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to their jurisdiction and laws;"

That they clearly considered Article 38 as not extending the rights of intermarried whites beyond the accepted scope of tribal law and custom is shown by Section 7 of the Constitution of the Chickasaw Nation, adopted August 16, 1867. It is as follows:

"That every white person, who having married a Chickasaw Indian, or who has been adopted by the Legislative authorities of said Nation shall be entitled to all the rights, privileges and immunities guaranteed to them only by the thirty-eighth Article of the Treaty of 1866, with the Choctaw and Chickasaw Indians."

The Choctaw Constitution of 1859 or 1860 indicates how far it was from the wish or purpose of the tribe to make adopted citizens in "all" respects equal with citizens by blood. Article 7, Section 2, provides that:

"No person shall be principal chief, or subordinate chief, senator, or representative, unless he be a free male citizen of the Choctaw nation, and a lineal descendant of the Choctaw or Chickasaw race."

The recognized and uniform custom of these tribes, prior to and since the treaty of 1866, has been to deny citizenship to white people in accordance with the letter and spirit of their intermarriage acts of 1875. These acts only crystallized into

Secretary 23

law the cherished and time honored law of custom. It is not believed that these rights would be consciously surrendered, or that the Government desires to claim their forfeiture except under plain and unmistakable provisions of language.

Turning from the evidence of the sustained purpose and intent of the tribes, attention is called to the spirit of care exercised by Congress in conserving to them their laws and preferences in these matters. Section 38 of the Act of May 2, 1890 contains the following:

"Provided, further, that said chapter one hundred and three of said laws of Arkansas shall not be construed so as to interfere with the operation of the laws governing marriage enacted by any of the civilized tribes."

Respectfully,

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. H. Breckinridge.

Commissioner.

Through the Commissioner
of Indian Affairs.

COPY.

7-2-354.

Shahagoo, Indian Territory, August 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report by Commissioners Needles and Breckinridge, under date of July 26th, replying to Departmental letter of May 25, 1902, (I.T.D., 2132-1902) resubmitting to the Commission the rejected case [Choctaw B-354] of Matt Davis, for the enrollment of himself, his wife, Annie Davis, and his minor children, Winnie, Hodge, Edgar and Annie Davis, as Choctaw citizens. This report was prepared by Commissioner Breckinridge, but as I am not fully in accord with some of the suggestions made by him, I have the honor to submit herewith my personal views upon the matter under consideration. I have endeavored to conform as nearly as practicable to the general outlines of the report prepared by Mr. Breckinridge, and have incorporated herein, in certain instances, his language and thought. The facts in the case are as stated by Commissioners Needles and Breckinridge.

Concerning this case the Department, referring to the report of the Acting Commissioner of Indian Affairs, May 14, 1902,

Secretary, 2.

(Land 22707-1908), says:

"The Acting Commissioner finds that all of the parties except Annie Davis, should be enrolled, basing his conclusions mainly upon the decision of the United States Court in the somewhat similar case of Robinson vs. The Chectaw Nation (see your 8th Annual Report, page 124), from which he quotes at considerable length."

The Department also states that it

".....desires further expression of opinion by you in regard to this case, especially concerning the views of the Indian Office, and therefore incloses the record herewith, together with a copy of the Acting Commissioner's letter."

All the papers referred to are received.

The question under consideration is whether or not the applicant in chief, Matt Davis, forfeited his right as a citizen of the Chectaw Nation by his marriage to a non-citizen white woman in 1883, after the death of his Chectaw wife.

The Acting Commissioner of Indian Affairs, in his report, quoting from the opinion of Judge Clayton, United States Dis-

Secretary, D.

trial Judge for the Central District of Indian Territory, in the case of P. R. Robinson vs. The Cheateau Nation, maintained that the applicant in chief did not forfeit his citizenship by his marriage to a white woman after the death of his Cheateau wife, and further, that the offspring of his second marriage are, within the meaning of the law, Indians, and that they are entitled to share in the distribution of lands of the Cheateau Nation.

Before dealing with the effect of more recent legislation, it seems proper to call attention to certain features of the Act of June 10, 1896, under which the case of Robinson vs. The Cheateau Nation arose. It is well known that the act now under consideration was passed for the purpose of giving relief, by affording a tribunal to certain "claimants" or "disputed citizens" of the Cheateau and other tribes of Indian Territory. The relevant part of the act referring to the jurisdiction of the Commission and the United States Court in Indian Territory provides:

"That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicants to be so admitted and enrolled. Provided, however, that such application shall be made to such commissioners within twelve months after the passage of this act. The said commis-

Secretary, 4.

sion shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: And provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue legal process for and compel the attendance of witnesses, and to send for persons and papers and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States District Court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of

Secretary, S.

each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein." (29 Stat.L., 321).

Under this legislation F. R. Robinson filed his petition for admission as an intermarried citizen of the Choctaw Nation with the Commission to the Five Civilized Tribes, and the same opportunity was at that time open to Matt Davis for a full adjudication of his rights as a citizen of the Choctaw Nation. Of this privilege he did not avail himself; and, in the Robinson case, the Choctaw Nation, aggrieved with the decision of the Commission, availed itself of the appeal provided to the United States Court for the Central District of Indian Territory. That Court in rendering its judgment, finds Robinson to be entitled to citizenship in the Choctaw Nation, and the Commission to the Five Civilized Tribes is by the Court directed, in accordance with the power vested by the act of June 10, 1906, to place his name upon the roll of citizens prepared or to be prepared by the Commission to the Five Civilized Tribes. No question is presented in the consideration of this case as to the sufficiency or finality of the decisions of the Commission or Courts in the case.

Secretary, S.

of any applicant who applied for admission to citizenship under this act. The act itself says that

"....the judgment of the court shall be final."

But, it is a very different and a very serious question whether a doctrine laid down by the Court at that time is subsequently to expand in its effect so as to efface the specific limitations of the act, and thus confer upon claimants "who desire such citizenship" but did not then apply therefor, all the rights and benefits of a favorable decision upon an application which was made within the three months limit provided by Congress.

Unless that act and all that took place and was said under it be confined strictly to the persons who were the actual subjects of decisions, then a claimant to-day has only to prove a state of facts analogous to those of some case favorably acted upon at that time in order to enter upon the enjoyment of successful compliance with all the requirements of this law.

The power to admit to citizenship in the Cherokee Nation by the Cherokee tribal authorities, the Commission to the Five Civilized Tribes, the United States Court in Indian Territory, or

Secretary, 7.

any other tribunal, has long since been extinguished. The Commission to the Five Civilized Tribes is now directed to prepare a roll of the citizens of the Cherokee Nation, under the following paragraph of Section twenty-one of the act of Congress of June 25, 1896, (30 Stat.L., 498):

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Cherokee and Chickasaw citizenship under the treaties and the laws of said tribes."

In connection with the foregoing are elaborate provisions to enable the Commission to perform the complicated duties imposed. And, instead of providing for an appeal to the United States Court as before, the review and approval of the Secretary of the Interior is required, it being stated in this act that these rolls

"....when approved by the Secretary of the Interior, shall be final....."

Secretary, S.

The act of May 31, 1900, contains the well known provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such....."

The act of March 3, 1901, follows with the provision that

"The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto."

The constant spirit of Congressional legislation has been one of dissatisfaction with the past and a desire to make new and more stringent provisions for the future in matters of Indian citizenship in the Five Civilized Tribes. Not content with reenacting

Secretary, 9.

the status of citizenship affairs as relates to persons not covered by a final decision under the act of June 10, 1906, the present Congress in

"An act to ratify and confirm an agreement with the Chester and Chickasaw Tribes of Indians, and for other purposes"

approved July 1, 1902, proceeds to deal directly with even those who were the subjects of favorable and heretofore "Final" decisions by the United States Court in Indian Territory under said act of June 10, 1906.

The following parts of this Agreement, pending now only in so far as the Chester and Chickasaw Nations are concerned, are instructive in this inquiry:

"The rolls of the Chester and Chickasaw citizens and Chester and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 20, 1906 (34 Stat., 495), and the act of Congress approved May 31, 1908 (35 Stat., 481), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1906 (30 Stat., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal

Secretary, 10.

property until his right thereto has been finally determined.

.....
It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory, acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within 90 days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts.....

.....
Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, wherever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy.....

Secretary, 41.

It is further prescribed in Section thirty-two of the above agreement, that paragraphs thirty-one, thirty-two and thirty-three (the latter creating the court),

".....shall go into effect immediately after the passage of this Act by Congress."

Apart from the limitation contained in the act of June 10, 1896, subsequent legislation placed the enrollment of citizens upon an essentially new basis, giving the Commission new duties, making it as it were a new body, and providing for the review and approval of its acts by the Secretary of the Interior.

It is perhaps unknown to our laws that a right of review never exists. Time and again, the Department, the Commission and the Courts reverse themselves. They are always open to the effect of further consideration. This cannot be true of a court or a jurisdiction that has ceased to exist; and it cannot lay its dead hand upon the living machinery of the Government and paralyze its energies and functions. Its decisions stand as the law requires, but its decrees have only the life of its power. Even if this did not follow from these considerations subsequent legislation comes in and makes it so.

Secretary, 12.

The act of June 10, 1896, provides:

".....That the rolls of citizenship of the several tribes as now existing are hereby confirmed....."

The act of June 7, 1897, says that this

".....shall be construed to mean the last authenticated rolls of each tribe which have been approved by the Council of the Nation....."

And it expressly states that it shall also mean such additional names and their descendants as have been subsequently added either by the Council of such Nation, the duly authorized courts thereof or the Commission under the act of June 10, 1896. Only those "Added" are included or in any way confirmed. All others must stand the test of entirely new proceedings.

The act of June 26, 1898, goes further. The direction to

".....eliminate from the tribal rolls such names as may have been placed thereon by fraud or without authority of law....."

gives a jurisdiction to the Commission far wider than that previously and temporarily extended to the Commission and the United States Court in Indian Territory. It relates to all the rolls, without lim-

Secretary, 13.

itation, of the Choctaw and Chickasaw nations. The courts have since purged their former decisions of the names of numbers of persons "Added" by being fraudulently and notoriously interpolated in such decisions, all of whom were "Construed to mean" a part of the rolls under the act of June 7, 1897.

The act of May 31, 1900, goes still further. It forbids the Commission to even receive the application of anyone not already "Admitted." No mere right to admission will suffice; an applicant must have been a "Recognized citizen" and duly and lawfully enrolled or admitted "As such"; and, as is well settled, the exercise of this judicial discretion is vested alone in the Commission and the Secretary of the Interior.

By a series of new legislation the Commission is clothed with new and constantly broadened judicial power, and the approval of the Commission's exercise of that power is placed in the Secretary of the Interior. In performing these functions it seems clear that the Commission and the Secretary of the Interior are in no wise under bondage to the doctrines arising from an extinct power of the United States Court in Indian Territory. No comparison or relationship can justly be made or established between the new and the old.

Secretary, 14.

In the case under consideration the applicant is Chief, Patt Davis, without any prior adjudication of his rights to citizenship in the Choctaw Nation, presents himself for enrollment as an intermarried citizen of the Choctaw Nation, under the act of Congress of June 26, 1898, above referred to; and, in the determination of his right to enrollment the Commission must confine itself to investigation as to whether he is entitled to Choctaw citizenship

"...under the treaties and the laws of said tribes."

Article thirty-eight of the Treaty of 1866 between the United States and the Choctaw and Chickasaw Nations defines the right of white persons marrying into the nations. No attempt whatever was made to restrict this right of citizenship until November 9, 1878, when the Choctaw National Council passed a law defining a method of legal marriage in the Choctaw Nation of non-citizen white men and Choctaw women, and also providing a forfeiture of the intermarried rights of non-citizens should they after the death of their Choctaw husbands or wives marry non-citizen white persons.

It cannot be contended with reason that after the adoption of the Treaty of 1866 it would be impossible for the Choctaw

Secretary, 15.

Nation to repeal by and with the consent of the United States the intermarriage article of that treaty, or to enact any other provision in lieu thereof, and that such new treaty provision would undoubtedly be effective, except as to those whose rights may have accrued under the provisions of article thirty-eight of the Treaty of 1866.

Article seven of the Treaty of 1866 between the United States and the Choctaw Nation provides as follows:

"So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and the Chickasaws shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits."

Article seven of the Treaty of 1866 between the United States and the Choctaw and Chickasaw Nations further provides:

"The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory. Provided, however, such legislation shall not in anywise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw Nations respectively."

Secretary, 16.

Article ten of the Treaty of 1866 provides:

"The United States re-affirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion, and in force at that time, not inconsistent herewith;....."

Article thirty-eight of the Treaty of 1866 provides:

"Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw or Chickasaw."

By these various Treaty stipulations the United States Government gave to the Choctaw Nation in the determination of the rights of citizenship in such Nation the unrestricted right of self-government.

The act of the Choctaw National Council of November 9, 1878, was approved less than ten years after the ratification of the Treaty of 1866.

Secretary, 17.

Davis married his Cheetaw wife with a full knowledge of this law and complied with certain of its provisions by obtaining the license required, and thereby brings himself within the purview of that act. Any rights that he might have acquired as a citizen of the Cheetaw Nation by his marriage, in accordance with the act of November 9, 1878, were subjected to the other sections of that act. He lived with his Cheetaw wife until her death, and thereafter deliberately violated the spirit, intent and purpose of the very act under which he acquired his citizenship, by his marriage to a non-citizen white woman.

I am of the opinion that under the treaty stipulations previously quoted, the Cheetaw Nation was vested with full authority to define the status of white persons marrying citizens by blood of the Nation, and that the act of the National Council of November 9, 1878, is not in violation of the thirty-eighth article of the treaty of 1866, but was a just limitation placed by the Cheetaw Nation upon the rights to be acquired by white persons subsequently marrying citizens of that tribe.

I do not believe that Davis ".....under the treaty and the laws of said tribe....." is entitled to be con-

Secretary, 18.

rolled as a citizen by intermarriage of the Chester Nation.

The twenty-first section of the act of Congress of June 22, 1898, only empowers the Commission to enroll as citizens of the Chester Nation

"...citizens by blood...with such intermarried white persons as may be entitled to Cheyenne and Chickasaw citizenship under the treaties and the laws of said tribes."

The minor children of the applicant in chief are by the evidence submitted shown to be the offspring of white persons, making no claim to Chester Indian blood. By the provisions of the act of Congress of June 22, 1898, the authority of the Commission to enroll is restricted to those who are of Chester Indian descent and intermarried white persons. These minor applicants are neither.

The instructions of the Congress of the United States as defined in the act of June 22, 1898, are explicit and imperative, and the Commission is therefore without jurisdiction to enroll these minor children of two white parents, and, in my opinion, the applicant in chief has forfeited his rights as an intermarried citizen of the Chester Nation by his subsequent marriage to a non-citizen white

Secretary, 19.

woman, and has also relinquished any right to in any manner bestow citizenship in this tribe.

In resubmitting this case with the decision of the Commission of April 9, 1902, I am firmly of the opinion that the action of the Commission in refusing the application made by Matt Davis for the enrollment of himself as an intermarried citizen of the Cheate Nation, and for the enrollment of his wife, Annie Davis, and their minor children, Minnie Davis, Hodge Davis, Hagar Davis and Annie Davis as citizens of the Cheate Nation, should be affirmed.

The original record with the decision of the Commission of April 9, 1902, in this case, is returned herewith.

Respectfully,

(SIGNED) *Tanis Dixby.*

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enclosure.

7-2-104

Mustang, Indian Territory, August 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental communication of August 12, 1902, "I.T.S. 2122-1902," referring to Departmental letter of May 22, 1902, relative to the application for enrollment of Matt Davis et al., as citizens of the Cheate Nation, and requesting an early report thereon.

I have in reply to advise that on August 12, 1902, I returned to the Department the record in this case with a report thereon, together with the report made by Commissioners Shull and Breakinridge under date of July 24, 1902.

Yours truly,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

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J.PI

I.T.D. 3132,
5308-1902.
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DEPARTMENT OF THE INTERIOR,

Washington,

October 23, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department acknowledges receipt of reports of July 26, 1902, of Commissioners Breckinridge and Needles, and of Commissioner Bixby, of August 12, 1902, in regard to the Choctaw enrollment case (R 354) of Matt Davis, for himself and wife, Annie, as intermarried citizens, and for their children, Minnie, Hodge, Escar and Annie Davis.

When this case was originally presented to the Department by the Indian Office, May 14, 1902, it was recommended that your decision of April 8, 1902, adverse to the claimants (except said wife) should be reversed.

It appears that in 1867, Davis, a white man, married Minervy Davis, a recognized citizen of the Choctaw Nation, in accordance with Choctaw laws; that this wife died in 1880, leaving no issue; that in that year Davis married his present wife,

Annie Adkins, a white woman, in accordance with the laws of Texas. The other applicants (said children) are the issue of this last marriage.

The Indian Office referring to the decision of the United States Court, Central District, Indian Territory, in the case of Robinson vs., the Choctaw Nation (See your 8th Annual report, page 128), in which it was held that when-

White men who have married Choctaws in accordance with their statutes, and the wife dies and the widower afterwards marries a white woman, are, with the children by such marriages entitled to enrollment, but do not, in case of their death, confer on the white wife citizenship to such extent that she may confer it on a second white husband and the children by such marriage,

held that Davis, when he married his Choctaw wife, became an Indian to the extent of being entitled to share in the property of the Choctaw Nation; that his subsequent marriage to a white woman in accordance with the laws of Texas, did not divest him of this right; that this latter marriage did not confer the right of citizenship upon his wife; that, however, the offspring of that marriage followed the status of the father and are entitled to be enrolled with him.

May 23, 1902, the Department resubmitted the case to your Commission for further expression of opinion.

Both your reports of July 26, 1902, and August 12, 1902, contend, at length, that your decision of April 9, 1902,

- - 3

should be affirmed, that your Commission and the Department are "in no wise under bondage to the doctrines arising from an extant power of the United States Court in Indian Territory," and you give your reasons for considering the decision of the Court above mentioned erroneous.

As the citizenship court provided for in the Choctaw and Chickasaw agreement, Act of July 1, 1902, (32 Stats., 641), has jurisdiction to determine the rights of the plaintiff in the case of Robinson vs. The Choctaw Nation, and the rights of all other persons claiming under similar decisions of the United States Court, and as necessarily the Department's action on the present case would depend, to a great extent, upon the action of that court in such cases, it is considered advisable to remand the case to be readjudicated by you in due time in the light of any action of the Court as stated.

The papers received with your letter of April 9, 1902, are therefore herewith enclosed.

A copy of the Acting Commissioner of Indian Affairs' letter of August 25, 1902, submitting the reports of July 26th, and August 13th, is also inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

2 Inclosures.

- - - COPY - - -

Land 49336-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, August 25, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith two separate reports, one made by Commissioners Needles and Breckinridge, of the Commission to the Five Civilized Tribes, and one made by Tams Bixby, Acting Chairman thereof, relative to the matter of the application of Matt Davis for the enrollment of himself, his wife, Annie Davis, and their minor children, Minnie, Hodge, Escar and Annie Davis as Choctaw citizens.

The reports were made in compliance with the request of the Department of May 23, 1902 (ITD-3132.)

Very respectfully,

A. C. Tonner,

Acting Commissioner.

WCV
D

4 Inclosures.

Muskogee, Indian Territory, February 11, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On April 9, 1902, the Commission transmitted the record in the matter of the application of Matt Davis, et al. for enrollment as citizens of the Choctaw Nation, together with its decision refusing said application. On May 23, 1902, (I.T.D. 3132-1902) the Department remanded the record in this case for further investigation. On August 12, 1902, reports at length were made to the Department in this case by the Acting Chairman and by Commissioners Needles and Breckinridge, and the original record in the case was returned to the Department.

On October 23, 1902, (I.T.D. 3132, 5308, 5493 - 1902) the record in the case of Matt Davis, et al. was returned by the Department to be readjudicated in the light of such action as might be taken by the Choctaw and Chickasaw Citizenship Court in similar cases.

I now have the honor to report that on February 6, 1904, there was filed with the Commission the formal protest of Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, in which they request, under authority granted by the Secretary of the Interior in his communica-

tion of November 18, 1903 to the Commission, (I.T.D. 7122 - 1903) that final action in this case be postponed until the decision of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al.

I have, therefore, to advise, that the record in the case of Matt Davis, et al. is being held, under the directions of the Secretary of the Interior and the protest of the attorneys for the Choctaw and Chickasaw Nations, pending further departmental instructions.

Respectfully,

Commissioner in Charge.

AB 7-11

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, August 5, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On October 23, 1902, (I. T. D. 3132, 5308, 5493-1902) the Secretary of the Interior remanded the record in the matter of the application of Matt Davis, et al, for enrollment as citizens of the Choctaw Nation to be readjudicated by the Commission in the light of any action of the Choctaw and Chickasaw Citizenship Court upon the questions involved herein.

The questions involved in this case are the so-called marrying out question and the question as to whether a citizen by inter-marriage of the Choctaw and Chickaw Nations can confer citizenship upon a white husband or wife and upon the children of such a marriage.

The Choctaw and Chickasaw Citizenship Court has passed upon the marrying out question in the case of Thomas Brannen, and the Department has also passed upon this question in the Choctaw case of Thornton D. Pearce, but the Choctaw and Chickasaw Citizenship Court has not yet certified to the Commission its decree and opinion in any case involving the question of the conferring of citizenship upon a white husband or wife, and the children of such marriage, by an

intermarried citizens, and the record and decision of the Commission in the matter of the application of Matt Davis, et al, for enrollment as citizens of the Choctaw Nation, will be held pending such a decree and opinion of the Choctaw and Chickasaw Citizenship Court, unless the Commission is otherwise directed by the Department,

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Matt Davis, his wife Annie Davis, and his minor children, Minnie, Hodge, Oscar and Annie Davis, Choctaw Field No. R-354.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed upon authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Endorsed on back.
Choctaw R-354.

In the matter of the enrollment of Matt Davis, his wife, Annie Davis, and his children, Minnie Hodge, Oscar and Annie Davis, as citizens of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D FEB 6 1904
Tom Bixby, Chairman.

United States of America,
Indian Territory.
Central Judicial District.

I, Pier Durant, after having been first duly sworn state-
I am 46 years of age and a resident of the City of Durant, Indian
Territory and am acquainted with Mat Davis, an applicant for citi-
zenship as an intermarried choctaw- I knew his wife Minervy Davis
when she was a girl and before she married Mat Davis- She was a
daughter of Mahaley Davis and David Davis- I did not know David
Davis but I understood that was his name- He was dead before I knew
the family- These people lived over in the Caddo Hills about Judge
Folsom's- This was away back in the Seventies- She had a brother
by the name of George Davis- He married Mary Betts, a white woman.
she was a widow at the time he married her- He had two boys, Alfred
and Charley and a girl named Amanda- I do not know who the girl
married and therefore do not know whether she is on the rolls or
not- The boys are enrolled and I have understood that they took
their allotments up on Rush Creek in the Chickasaw Nation. These
boys are the children of George Davis by the white woman above
mentioned.

I remember about Mat Davis and Minervy Davis being married-
It was about the year before I was married which would have been
about 1878. I was married in 1879. I was at their house on Blue
after they were married several times- I remember one time my half
brother Jim Hutchinson bought what is now known as the Hutchinson
place over on Blue at the lower Caddo crossing from Mat Davis-

I remember that a year or so after Mat and Minervy married,
she died and afterwards Mat married his present wife and has been
living in and near Durant every since.

These people were always recognized here as Choctaw Indians
by the County officers and looked like choctaws and were choctaws
by blood- I mean Mat Divises' wife Minervy and her mother and
George Davis, and his children.

I was acquainted with Duge Coconall- He was the son of Ma-
halie Davis by a former husband who I understand was a white man-
Duge Coconall married Mary Sego, a white woman- I know that Duge
Coconall and his children were enrolled and recognized as choctaw
Indians. Coconall is now dead.

I do not know whether Mat Davises wife Minervy was enrolled
or not, I know that we did not pay any attention to the matter of
enrollment at that time- I am a choctaw Indian by blood myself and
I know that I did not have my name placed on any rolls until 1896
that I remember of- I might have been on some roll but did not
have it done myself.

Pier Durant.

Subscribed and sworn to before me this the 19th day of January
1905.

Claude C Hatchett
Notary Public.

(SEAL)

Mat Davis case

Affidavit of Pier Durant
File as evidence in Choctaw R 354
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D JAN 20, 1905.
Tams Bixby, Chairman.

So. McAlester, I.T., Oct., 3rd 1905.

I, Geo. K. Pritchard, United States Marshal for the Central District of the Indian Territory, hereby certify that I served the within Notice/ by delivering a copy of the same to Melvin Cornish, a member of the law firm of Mansfield, McMurray, & Cornish, at his office in South McAlester, I. T., at 3 PM this October 3rd 1905.

Geo. K. Pritchard,
U. S. Marshal.

By *W. B. Lusk* Deputy

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

To Mess. Mansfield, McMurray & Ownish,
ATTORNEYS FOR THE CHOCTAW AND CHICKASA NATIONS,

Gentlemen:

You will please take notice that I will on the 10 day of October 1905, at the general office of the Commissioner to the Five Civilized Tribes, between the hours of 8 O'clock in the forenoon and 6 O'clock in the after noon, submit and introduce evidence on the part of the applicants, in the matter of the enrollment of H.M. Davis et al as citizens of the Choctaw Nation, the same being case No. Choctaw R. 354, and that the taking of said evidence if not completed on that day will be continued from day to day at the same place and between the same hours until completed-

In addition to my own testimony, I will introduce as witnesses, Pier Durant, F.R. Robinson and Mary Dameron and such other witnesses as may be present at the hearing hereof.

Given under my hand at Durant on this the 26 day of September 1905.

H.M. Davis, by

L. D. Horton

His attorney.

7-R-354.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., October 10, 1905.

In the matter of the application for the enrollment of Matt Davis for himself, his wife, Annie Davis, and for his children, Minnie, Hodge, Esar and Annie Davis, as citizens of the Choctaw Nation.

Charles Phillips of Durant, Indian Territory, appearing for the attorney of record in this case, L. D. Horton.

There is no appearance on behalf of the Choctaw and Chickasaw Nations, although notice for the taking of testimony in the above entitled cause on the 10th of October, at the office of the Commission to the Five Civilized Tribes was served upon the attorneys for said Nations on October 3, 1905, the original copy of said notice being hereto attached and made a part of this record.

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Matt Davis being first duly sworn testified as follows:

Examination by the Commissioner.

Q What is your name? A Matt Davis.

Q How old are you? A Fifty-two years old.

Q Where do you live? A Durant.

Q How long have you lived in the Choctaw Nation? A I have lived in the Choctaw Nation about thirty years.

Q You are a white man are you? A Yes sir.

Q What is your father's name? A Matt Davis.

Q And your mother's name? A Annie Davis.

Q Are they living or dead? A They died when I was a little child.

Q Both of them white persons? A Yes sir.

Q Citizens of the United States? A Yes sir.

Q You state that you have lived in the Choctaw Nation for thirty years? A Yes sir.

Q Lived there continuously for that length of time? A Yes, I have not been out I don't think more than a week at a time, I don't suppose.

Q You claim to be an intermarried citizen of the Choctaw Nation? A Yes sir.

Q What is the name of the woman through whom you claim your right to enrollment as an intermarried citizen? A Minerva Davis.

Q Is she living now? A No sir.

Q How long has she been dead? A She has been dead somewhere about twenty-five years I reckon.

Q Was she a Choctaw Indian? A Yes, that's what I claim her to be.

Q Well, was she or was she not a Choctaw? A Yes sir.

Q A citizen by blood? A Yes sir.

Q Did you have any children by her? A No sir.

Q Has she any brothers or sisters or other relatives living at

2-Matt Davis et al.

the present time. A She has some nephews living. She didn't have but one brother and he is dead.

Q Have you any evidences or witnesses here to show that this woman, Minerva Davis, was during her lifetime a duly recognized citizen by blood of the Choctaw nation? A Yes sir.

Q Are these gentlemen here(indicating) your witnesses? A Yes sir.

Q When were you married to Minerva Davis? A About 1878, as well as I recollect; October 15th.

Q Had you ever been married prior to your marriage to Minerva Davis? A No sir.

Q Had she ever been married prior to her marriage to you? A No sir.

Q Where were you living when you married her? A I was living down in what they call the Caddo hills below Caddo.

Q Where was she living? A She was living there.

Q Had she ever been out of the Choctaw Nation? A I don't reckon she was ever out of Blue county.

Q How old was she when you married her? A Eighteen or 19 years old; might have been a little older.

Q What was her maiden name? A Davis.

Q Was that her name before she married you? A Yes sir.

Q And this marriage on October 15, 1878, -was that the only time you ever were married to her? A Only time.

Q Did you obtain a Choctaw license to marry her at that time? A I did.

Q From whom did you obtain that license? A Judge Folsom.

Q Who married you? A Judge Folsom.

Q How much did you pay for that license? A Twenty-five dollars. I had ten Indians on the application.

Q Where is that marriage license and certificate now? A I mailed the certificate here somewhere.

Q Have you ever filed the original marriage license and certificate of your marriage to Minerva Davis with the Commission to the Five Civilized Tribes? A The reason--

Q Well, have you or have you not? A Well, I havn't in that.

Q Have you ever at any time? A Yes sir.

Q When? A Yes, a man sent them to the Dawes Commission.

It does not appear from the records of the Commission to the Five Civilized Tribes that the original or a certified copy of the marriage license and certificate of the applicant Minerva Davis and Matt Davis, has ever been filed with the records in this matter.

It does appear that an application was filed by the applicant on August 30, 1897, in which petition it is alleged that the license had been lost or destroyed; that the petitioner alleges that he is unable to exhibit same, and asks that he be permitted to prove the contents thereof by H. J. Robinson and several other persons.

Q How long did you live with Minerva Davis? A About two years.

Q Did you live with her up until the time of her death? A Yes sir.

Q Do you remember the date of her death? A She died on the 9th of March--I forget--about 1880 I reckon it was.

Q Now, after the death of Minerva Davis, did you marry again? A Yes sir.

Q Who did you marry the second time? A Annie Adkins.

Q When were you married to her? A About 1883 or 4. Right along there.

Q Was she a white woman? A Yes sir.

3-Matt Davis et al.

- Q Do you claim any rights for this woman? A No, she is a white woman; not a recognized citizen.
- Q Well, do you claim that she is entitled to recognition as a citizen of the Choctaw Nation? A Well, if others do, I do.
- Q Well, do you, or do you not? A Yes sir.
- Q She is a white woman is she? A Yes sir.
- Q What is her father's name? A John Adkins.
- Q What is her mother's name? A Mary Adkins.
- Q Are her father and mother living? A No, both dead.
- Q How old a woman was Annie Adkins when you married her?
- A She was about 18.
- Q Had she ever been married prior to her marriage to you?
- A No sir.
- Q Where were you married to her? A Whitesboro, Texas.
- Q When were you married to her? A About 1883-4, as well as I remember.

There is on file with the records in this case certified copy of a marriage license and certificate of M. M. Davis and Mrs. Annie Adkins, the certificate having been issued by the Clerk of Grayson County, Texas, February 10, 1883, the ceremony having been performed on February 11, 1883, J. F. Towers, Justice of the Peace of Grayson County, Texas.

- Q You state Mr. Davis, that this woman, Anne Adkins had never been married prior to her marriage to you? A Yes sir.
- Q How is it that you obtained a license to marry Anne Adkins-- Mrs. Anne Adkins? A I don't know.
- Q Are you absolutely sure that this woman had ever been married before she married you? A No, she was never married. Of course, I knew her all her life as far as that is concerned.
- Q Is she still living? A Yes sir.
- Q Are you living with her? A Yes sir.
- Q Have you lived together in the Choctaw Nation continuously ever since your marriage in 1883? A Yes, right in Durant, or within five miles of it, and in Durant.
- Q Have you any children by this woman? A I have got four.
- Q What is the oldest one's name? A Minnie.
- Q How old is she? A About 20.
- Q Is she married or single? A Single.
- Q What is the next one? A Hodge.
- Q How old is he? A About 18.
- Q What is the next one? A Escar.
- Q Isn't it Oscar? A No, its Escar.
- Q How old is Escar? A. About 16.
- Q The next one? A Annie.
- Q How old is she? A About 14.
- Q Are you the father of these four children? A Yes sir.
- Q Is your present wife, Annie, the mother of all of these four children? A Yes sir.
- Q Have these children always lived with you? A Yes, all been right there.
- Q Do you claim that these children are entitled to enrollment as citizens of the Choctaw Nation? A Yes sir.
- Q These children are not possessed of any Choctaw blood?
- A No sir.
- Q They are the children of two white persons? A Yes sir.

4-Matt Davis et al.

Q How do you explain about that marriage certificate? A Well, I can explain it.

Q Just explain what you have to say about that? A I never did say that it was lost or nothing of the kind.

By the Commissioner: You have said that it was lost because it is right here in the record, and your marriage license isn't here, and your attorney, Mr. Horton admits that it is not here and that it has been lost.

Q I wish you would explain: A H. Robinson, when they was enrolling the first enrollment down there, they charged \$10 for enrolling and he said, I will get you on the roll and it won't cost anything; and he got my marriage certificate and a whole lot of permits for men permitted under me and he took them all and put them into an envelope and sent them to the Dawes Commission, and I told him he would never hear from them again; he said, "yes, I will." They were sent to the Dawes Commission I am sure.

By the Commissioner:

Q You didn't send them? Who sent them? A R. H. Robinson.

Q Isn't it a fact that you had some dealings with a man by the name of Robinson, or someone else, regarding your rights ~~with~~ as a citizen, and not with the Commission? A No sir.

Q Did you, prior to August 30, 1897, ever submit any petition to the Commission for the enrollment of yourself and your family?

A No, only through Robinson.

Q I am not speaking about Robinson. A Yes, I went before the Dawes Commission.

Q Prior to 1897? A I don't know when it was; it was when they was at Durant.

The records of the Commission to the Five Civilized Tribes show that the applicant appeared at Durant, Indian Territory, in August, 1899.

Examination by Mr. Phillips:

Q Are you an educated man? A No sir.

Q Can you read or write? A No, I can't read print.

Q You state that your first wife had one brother. What was his name? A George Davis.

Q Were they full or half brother and sister? A Full brother.

Q Was George Davis enrolled while he was living? A No, he died before he was enrolled.

Q Did he leave any children? A He left three.

Q Do you know to whom he was married? A He was married to a white woman.

Q Will you give the names of his children? A Alfred Davis, Amanda Davis and Charley Davis.

Q Their mother was a white woman? A Yes sir.

Q And he was a full brother to your first wife, Minerva Davis? A Yes sir.

Q Are his children enrolled? A Yes sir.

Q Where do they live now? A One of them, I think, the girl lives in the Caddo hills and the two boys live in the Chickasaw Nation; I seen them Christmas and they told me that they had taken allotments on Rush Creek in the Chickasaw Nation.

Q From whom did they derive their allotments in the Chickasaw Nation? A Their father I suppose.

Q You say you had permits? A Yes, issued them.

5-Matt Davis et al

- Q To non-citizens? A Yes sir.
Q And you were allowed to issue permits as a Choctaw, were you?
A Yes sir.
Q And while you were married to that wife you were recognized as a Choctaw? A Yes sir.
Q And have always been recognized as a Choctaw? A Yes sir.
Q And was she recognized as a Choctaw? A Yes sir.

By the Commission:

- Q Is Amanda Davis married now? A Yes sir.
Q What is her name now? A Damron I think; I never have seen her man. I think that is his name though.
Q Is Charley Davis living now? A Yes, he was about Christmas time.

Q Do you know the present name of the wife of George Davis.
A Her given name?

Q Her present name? What is the name of the wife of George Davis? A Damron I think it is.

It appears from the records of this office that George Davis, deceased was a recognized citizen by blood of the Choctaw Nation, and during his lifetime was a resident of Blue county, Choctaw Nation. His wife Mary A Damron has been enrolled as a citizen by intermarriage of the Choctaw Nation, and her name appears upon the final roll of such citizens opposite No. 1149.

Alfred Davis, Amanda Damron and Charley L. Davis, the children of George Davis, deceased, and Mary A. Damron, have been enrolled as citizens by blood of the Choctaw Nation by the Commission to the Five Civilized Tribes, and their enrollment as such was approved by the Secretary of the Interior, their names appearing upon the final roll of citizens by blood of the Choctaw Nation opposite Nos. 10198, 10188 and 15600 respectively.

Q How long has George Davis been dead? A Why, he has been dead I guess about 12 or 13 years.

Q Do you claim that your first wife, Minerva Davis, was a full sister of George Davis who was the father of these children who have been enrolled as Choctaw Indians? A Yes sir.

Q I will ask you to make explanation of this statement as contained in a petition which was sworn to by you August 30, 1897, before L. D. Horton: "My first wife, Minerva Davis, was a daughter of Mahala Davis and her husband, I think his name was David Davis. I never saw him; he was dead before I come here. I never saw Kokenall, the man who was my wife's mother's former husband . . . My wife Minervia told me they all come from Mississippi here a long time ago . . . She also told me that her father had been married to a Choctaw woman by the names of Jones way back in the thirties. Minervia was about 18 years old when we were married, and the only child of their marriage". How do you explain that statement in your sworn affidavit, that Minervia was the only child of their marriage, and yet you now testify that she was a full sister of George Davis, who was the father of these children? A I never did any other way; there was only two children, the brother and sister.

Q How do you explain this petition sworn to by you before Mr. Horton in 1897 in which you state that Minervia was the only child of the marriage between Mahala Davis and David Davis? A I made no such statement as that.

6-Matt Davis et al.

Q In your petition of August 30, 1897, which was sworn to before Mr. Horton, you also made the following statement: "She (referring to your wife, Minerva Davis), was a half sister to George Davis, an enrolled Choctaw, who lives in the Chaddo hills. Since his death his children have drawn annuity. He has a son named Alfred, one named Levy and a daughter named Mandy or Amanda". How do you reconcile your sworn statement of this morning that Minerva Davis was a full sister of George Davis when you have already, in this petition, sworn to in, 1897, stated that Minerva Davis was the only child of the marriage of Mahala and David Davis, and that she was a half sister of George Davis? A Well, I never said any such thing as that.

Examination by Mr. Phillips:

Q You say that--these two statements, this statement in that petition that she was a half sister,-- and now you state that she is a full sister? A Yes sir.

Q Which of these two is correct? A She was a full sister; they was full brothers and sisters..

Witness excused..

Pier Durant being first duly sworn testified as follows:

Q By the Commissioner:

Q What is your name? A Pier Durant.

Q How old are you? A Forty-three.

Q Are you a citizen by blood of the Choctaw Nation? A Yes. Witness is identified upon the records of this office, on Choctaw roll card field No. 3423, and upon the final roll of the citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, as Pier Durant, opposite No. 9766.

Q Mr. Durant, are you personally acquainted with the principal applicant in this case, Matt Davis? A Yes sir.

Q How long have you known him? A I have known him since about 1878 or 1879.

Q Did you know his first wife, Minerva Davis? A Yes sir.

Q Who was she? A She was the daughter of Mahala Davis.

Q Was Mahala a Choctaw Indian? A My understanding was that she was a Choctaw Indian--Choctaw by marriage.

Q She was a white woman? A Yes sir.

Q Do you know the name of the father of Minerva Davis?

A No, I do not.

By Mr. Phillips:

Q Did she have any brothers or sisters? A She had a brother by the name of George Davis.

Q Are you acquainted with George? A Yes sir.

Q Could you tell whether he was a full or half brother of Minerva Davis? A No, I could not.

Q Were they born in this country or before they came here? A I don't know.

Q Which of the two was the oldest? A George Davis was--my understanding; I don't know.

Q And you don't know whether they were half or full brother and sister? A No, I don't.

Q You don't know whether or not Mrs. Davis was a Choctaw by intermarriage?

By the Commissioner: That is, Mahala, mother of Matt Davis' wife?

By Mr. Phillips: Yes.

Q Were both those children born in this country, or do you know that? A I don't know.

Q How old was Mr. Davis' wife the first time you ever remember seeing her? A Why, she was about 15 or 16.

7-Matt Davis et al.

Q Do you know whether or not they were recognized by the tribe as Choctaws? A That was my understanding that they were, yes sir.

Q Do you know anything about Mr. Davis marrying Minerva?

A Yes, I saw them living together as man and wife in her lifetime.

Q Do you know anything about his marrying her? A No, only by hearsay. My understanding was that they were married by Judge Folsom.

Q Did you sign his petition? A No sir.

Q Did you ever see the petition? A No sir.

Q And you say that they were married by Judge Folsom? A That was my understanding, yes.

Q Do you know anything about whether he paid for permission to marry a Choctaw? A No sir.

Q

By the Commissioner:

Q Did you know George Davis' father? A No, I didn't

Q You say that Minerva Davis was a girl about 15 when you first knew her? A Yes, about that.

Q How old a man was George Davis at that time?

A I don't know; I can't say; he was some older.

Q How much older was George than Minerva when you first knew her? A I can't say; he was some older though.

Q George's children are now pretty near thirty years of age, some of them, are they not? A I expect they are.

Q Was George Davis married when you first knew Minerva? A No sir.

Witness excused.

Fred R. Robinson being first duly sworn testified as follows:

By the Commissioner:

Q What is your name? A Fred R. Robinson.

Q How old are you? A I don't know just exactly my age; 54 about

Q Where do you live? A I live near Durant

Q Are you a citizen of the Choctaw Nation? A I claim to be an intermarried.

Q You are a white man? A Yes sir.

Witness is identified upon the records of this office as Frederick R. Robinson, applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, upon Choctaw roll card No. 3403.

Q Do you know the principal applicant in this case, Matt Davis? A Yes sir.

Q How long have you known him? A I have known him since about '78-9, somewhere along there.

Q Did you know his first wife, Minerva Davis? A Yes sir.

Q What do you know as to her citizenship? A All I know is just that they claimed that they were Choctaws.

Q Was Minerva Davis a white woman or a Choctaw? A I can't say.

Q Did you know Minerva Davis' mother? A Yes sir.

Q What was her name? A Mahala Davis.

Q Was Mahala Davis a white woman? A I couldn't say.

Q Did you know Minerva Davis' father? A No sir

Q Did you know George Davis? A Yes sir.

Q What relation was George Davis to Minerva Davis? A He claimed to be her brother.

Q Full brother? A I couldn't say.

Examination by Mr. Phillips.

Q Were you acquainted with George Davis? A Yes sir.

8-Matt Davis et al.

Q Did you ever hear anything about who his mother was? A My understanding was that it was Mahala Davis.
Q Was that the same one that was the mother of Minerva Davis?
A Yes sir.
Q Were they recognized and treated by the other Choctaws as Choctaw Indians? A Yes, I think so.

By the Commissioner:

Q What do you mean by that? A My understanding was that the old woman had been married to a man by the name of Kokenall, and afterwards married a man by the name of Davis, and after that, married another man by the name of Fuller; that is the old lady, Mahala Davis.

By Mr. Phillips:

Q And these were her children? A Yes, this girl and boy were her children.
Q And were these two children and Mahala treated and recognized as Choctaw Indians? A I think so, yes.
Q Did you know when Matt Davis was married? A No, I don't, only hearsay.
Q Did you sign the petition? A No sir.
Q Do you know whether or not he was treated as a Choctaw citizen by the other Choctaws? A Why, they owned a farm down on the blue.
Q Did you know of Matt Davis issuing permits in his name?
A Why, I can't say about that.

By the Commissioner:

Q You say you didn't know Minerva Davis' father?
A No, I didn't know him.
Q But it was your understanding that Mahala Davis was married first to a man by the name of Kokenall and after his death married Davis? A Yes, and then married a man by the name of Fuller.
Q You know nothing about these various husbands of Mahala Davis', yourself, personally? A No, I just got acquainted with the old lady and her children.
Q How old a girl was Minerva Davis when you first knew her?
A She was a right smart of a girl; 14 or 15 years old.
Q How old was George Davis? A He was a young man--boy, like, 18 or 20 years.
Q And there was four or five years difference in the ages of George and Minerva? A I can't say.
Q You said Minerva was a girl 14 or 15 and George was pretty near grown, about 18 or 20? Is that right? A Yes sir.

By Mr. Phillips. Q What would be your estimate in the difference in their ages? A Might not be that much; I can't tell; it has been so long I couldn't tell much about it.

Witness excused:

Pier Durant being recalled testified as follows:

By Mr. Phillips:

Q Could you tell us what would be the apparent difference in the ages of George and Minerva Davis? A There would be 5 or 6 years difference I should think, as I remember.
Q What is your opinion as to whether or not they were full brother and sister, if you have any opinion about it? A It was

7-Matt Davis et al.

just my understanding; that was all, that they were brother and sister; I never heard anyone say whether they were half brother and sister or full brother and sister. I have heard him speak of his sister, but nothing definite as to whether she was full or half sister.

Q I will ask you if you were ever at the house when they were living there? A Yes, Oh yes, I have been there.

Q Judging from the manner in which George treated Minerva's mother, did he appear to treat her as a stepmother or did he treat her as if she was his mother and she treat him as if he was her own son?

By the Commissioner: There is no question but that Mahala Davis was the mother of both these children;

A I couldn't tell any difference; she appeared to be his mother.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this October 10, 1906.

M. Campbell
Notary Public.

IN THE CITIZENSHIP MATTER OF
MAT M. DAVIS, ET AL.

AFFIDAVIT , OF H. ROBINSON.

My name is H. J. Robinson, I am 60 years old. I live at Durant, Indian Territory, and that is my Post Office Address.

Along sometime about the year 1895 or 1896, Mat M. Davis brought some papers to me to have me send to the Dawes Commission. These papers concerned his Citizenship right. Among them were some permits; also what purported to be a marriage license issued to him and his first wife, who was his Indian wife. This license purported to have been issued to him by the Authorities of the Choctaw Nation. I placed them in a letter and wrote a letter for him and enclosed this letter along with the marriage certificate or license and the permits, and directed the letter myself to the said Dawes Commission. Mat M. Davis cannot read or write himself, and therefore he got me to do this for him.

(Signed) H. J. Robinson.

Subscribed and sworn to before me this the 16th day of October, 1905.

(Signed) R. F. Grafa,

(SEAL)

Notary Public.

7-R-354

Muskogee, Indian Territory, August 23, 1905.

L. D. Horton,

Attorney at Law.

Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 21, 1905, asking relative to the application of M. M. Davis for enrollment as an intermarried citizen of the Choctaw Nation; you state that about January 20, 1905, in order to strengthen the contention of the applicant that his former wife Minervy Davis was a Choctaw by blood, you filed the affidavit of Pier Durant; you state that recently another attorney has been communicating with Mr. Davis relative to this case and you ask as a matter of protection to him that you be advised whether this case is to be readjudicated on the facts or whether the original finding of the Commission to the Five Civilized Tribes will be adhered to and also whether the affidavit of Pier Durant is in proper form and will be considered in a readjudication of the case.

In reply to your letter you are advised that the evidence heretofore filed in support of the application of Mat Davis for the enrollment of himself and his children as citizens of the Choctaw Nation does not show clearly that his former wife

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L.D.H #2

Minervy Davis was a citizen by blood of the Choctaw Nation, it appearing from some of the affidavits that she was a white woman who had formerly been married to a citizen by blood of said nation and you were advised that you would be allowed to introduce testimony to establish the fact that Minervy Davis was a citizen by blood of the Choctaw Nation and was recognized and enrolled as such, but the evidence introduced does not clearly establish this fact.

You are further advised that this case will be re-adjudicated in accordance with Departmental instructions when sufficient testimony is introduced to show clearly whether the said Minervy Davis was a citizen by blood of the Choctaw Nation and recognized and enrolled as such or a non citizen who was at one time married to a citizen by blood of said nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, August 30, 1906.

L. D. Horton,
Attorney at Law,
Boswell, Indian Territory.

Dear Sir:

I am in receipt of your letter of the 26th instant, in which you state that you will procure and forward to this office at the earliest practicable moment, a number of affidavits to establish the fact that Minervy Davis, the first wife of Matt Davis, was a citizen by blood of the Choctaw Nation.

I must require in this case that the applicant, Matt Davis, present the testimony in person of reliable witnesses who knew his first wife and that she was a recognized and enrolled citizen by blood of the Choctaw Nation. This testimony must be submitted at the General Office of the Commissioner at Muskogee, Indian Territory.

Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, should be notified of the time of the introduction of such testimony in order that they may be present, if they so desire, to cross-examine the witnesses.

Respectfully,

Commissioner.

Choctaw R 354

Muskogee, Indian Territory, January 10, 1905.

Matt Davis,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed ten days from this date to introduce testimony to establish the Choctaw citizenship and right to enrollment of Minerva Davis, the wife through whom you claim your right to enrollment as an inter-married citizen of the Choctaw Nation.

Respectfully,

Chairman.

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In the matter of the application of Mat M. Davis, for
identification and enrollment, as a citizen by intermarriage of
the Choctaw Nation,

- - - - -
Affidavit of F. R. Robison,
- - - - -

My name is Fred R. Robison, I am about 56 years of age,
and my Post Office address is Durant, Ind. T. I, am a citizen by
intermarriage of the Choctaw Nation, and am upon the rolls of the
Choctaw Nation, and have already allotted my land, and drawn my
shares of the money heretofore distributed, I came to the Indian
Territory, along about the year 1861, and I have lived in the
Choctaw Nation continuously, since that time,

Somewher about the year of 1870 I, became acquainted with a
widow by name of Mahala Davis, and her two children named George
and Minerva Davis, these two children George and Minerva were full
brothers and sisters and were the children of Mahala Davis, by her
former husband then deceased, named David Davis, this widow Mahala
Davis, and her said two children George and Minerva resembled
Indians in appearance, claimed to citizens of the Choctaw Nation,
and were recognized as such citizens by every one, but whether
their names appeared upon any rolls or not I do not know, I do know
however that George Davis's children are on the Choctaw rolls,
George Davis himself being dead, these children of George Davis,
are called Alfred Charley and Mandy, who I understand married a
man by name of Damron, George Davis married a white widow woman by
name of Mary Betts, and these children acquired their citizenship
rights through their father George Davis, at the former hearing,
Mr W. O. Beal, claimed that he found the names of these children
on the rolls, the said George Davis and Minerva Davis, and their
mother Mahala Davis, lived within about three miles of my place,

for about three or four years, they went by the same name of Davis, and their mother and all other persons acquainted with them treated them and held them out to the public as full brother and sister, and had they been half brother and sister I feel sure that I would have known of it, the widow Mahala Davis, and her children moved away and she then married or claimed to have married a white man by name of Fuller, but if they were any children by this last marriage I never heard of it, and I know that Minerva Davis, and George Davis were not children by this marriage, for I knew them before the widow married Fuller, my information was that Mahala Davis prior to her marriage to David Davis, was the wife of a man whose name was pronounced Cokenawl, but how it is spelled I do not know, and I understand that her children by this man Cokenawl, were on the old Tribal rolls, and that their descendants are on the present rolls prepared by the Commission, the said Minerva married a white man named Mat M. Davis, somewhere about 1878, and she and her husband lived within about two miles of my place for about two years, untill her death, I presume Minerva Davis and Mat M. Davis were married in accordance with the Choctaw law, for the petition required to be signed by citizens by blood, was presented to me, for signature in behalf of Mat M. Davis, and I could not sign it as I was an intermarried citizen, and I have always understood that enough citizens by blood signed it, and he was married accordingly, Mat M. Davis, after the death of Minerva Davis, married a white woman named Annie Adkins, and by her had four children, named respectively Minnie Hodge Baker and Annie, and the said Mat M. Davis, ever since his marriage to Minerva Davis, as well as his second wife and his children have lived in the Indian Territory, continuously, I am satisfied that Minerva Davis was a full sister of George Davis, and just as much a citizen as George Davis was of the Choctaw Nation, and ever since Mat M. Davis marriage to her he has been

considered and treated as a citizen of the Choctaw Nation, Mat M. Davis, is still alive, and all of his children were alive last fall a year ago, and I, understand that they are still alive.

his
Fred R x Robison
mark

Witnesseth. R G Nelson

Jessie Brannon

Subscribed and sworn to before me, this the 21st, day of January, 1907

My Commission Expires the 28th day of July, 1908.

R. F. Grafa

)SEAL)

Notary Public.

Endorsed on back.

Department of the Interior

Commissioner to the Five Civilized Tribes

F I L E D JAN 23 1907.

Tams Bixby, Commissioner.

In the matter of Mat M. Davis, for identification and enrollment as a citizen by intermarriage, of the Choctaw Nation.

Affidavit of Mat M. Davis,

My name is Mat M. Davis, I am about 52 years of age, and my present Post Office address is Rush Springs, Ind. T. I, am an intermarried citizen of the Choctaw Nation, and am entitled to be identified and enrolled, as a citizen of that Nation,.

I, acquired my citizenship in the Choctaw Nation, from my marriage with an Indian girl named Minerva Davis, who was a citizen of the Choctaw Nation, I, married Minerva Davis, in 1878, under a license issued under the law of the Choctaw Nation, by Judge Fulsom, who was a Choctaw Judge of Blue County of the Choctaw Nation, I secured a written petition signed by ten bonified citizens by blood, to meet the requirments of the Choctaw law, and handed Judge Fulsom this petition and he issued me, the marriage license or certificate, and I payed him then and there \$25.00 for the marriage license or certificate, I, do not know where this marriage license or certificate is, I can not neither read or write and on the account of this I handed the marriage certificate or license authorizing my marriage to Minerva Davis, to a man living here in the City of Durant, by the name of H. Robinson, with instructions for him to send the license or certificate to the Daws Commission, he tells me, that he sent it to the Daws Commission, and I heretofore filed with you, the affidavit of H. Robinson, in which he swore that he had sent it to the Daws Commission, it must be that this license is now with the Commission, and if it is not then it must be lost.

My wife Minerva Davis, was the daughter of two citizens of the Choctaw Nation's named Mahala Davis, and David Davis, who was Choctaw Indians by blood, I do not know the maiden name of Mahala

Davis, but prior to her marriage to David Davis, she was the wife of a man named Cokenawl, or pronounced like that, she has several children by Cokenawl, two of them named Duke Cokenalw and Nick or Nicholas Cokenawl, were, on the old tribal rolls of the Choctaw Nation, and I understand that they draw the lease District money in 1898, I also am informed that their decendants are now on the Daws Commission rolls, as stated above Mahala Davis, was a Choctaw Indian by blood, and after the death of her husband which accured some time before the war, of 1860, she then married a Choctaw Indian named David Davis.

By this last marriage Mahala Davis and David Davis, had born to them, two children named George Davis, and Minerva Davis, these two children were full brother and sister, they had the same father and mother, David Davis died along about 1865 or 1866, and about 1875, Mahala Davis, married a white man named Tom Fuller, at the time of this last marriage to Tom Fuller George Davis was about 18 years old, and Minerva Davis was about 15 years old, I married Minerva Davis, in 1878 and she was then about 18 years old, both Mahala Fuller, (nee Davis,) and her last husband Tom Fuller, died somewhere about 1879, my wife Minerva Davis, died I think in the Spring of 1880, after her death I married a white woman named Annie Adkins, by whom I have the following named children, Minnie 21 years old, Hodge 18 years old Esker 16 years old, and Annie 14 years old, my wife and four children are all living, I, moved to the Indian Territory about 1872, and I and my wife and children, have continusally lived in the Indian Territory, anf have never lived any where else,

As stated above, the children of Mahala Davis, by her first husband, Cokenawl, were on the Choctaw tribal rolls, and their decendants are now on the Daws Commission rolls, and have taken their allotment.

There are only two children born to Mahala Davis, by her second marriage to David Davis, one of whom was my first wife Minerva and the other one of whom was the said George Davis, George Davis, married a white woman named Mary Betts, and they had as the issue of this marriage three children, named Alfred Davis, Clarley Davis, and Mandy Damron (nee Davis,) all three of these children are enrolled on the Daws Commission rolls of the Choctaw's Mr W. O. Beal, found all of their names on that roll, at the first tryal of my case, they got their Indian blood and their Indian right through their father George Davis, who was a Choctaw Indian Citizen, my wife Minerva Davis was a full sister of George Davis, had, the same amount of Indian Choctaw blood in George Davis, had and was a citizen of the Choctaw Nation, just as George Davis was, George Davis has been dead for about 12 or 15 years, I do not know whether the name of my wife Minerva Davis, appears upon any Choctaw roll but I do not think it does, because she died when about 20 years of age, and at that time not much intrest was taken in having the names placed upon the rolls, but I know that she was a citizen of the Choctaw Nation at that time, and that she was recognized as a citizen of the Choctaw Nation, by all of the Choctaw's, and I know that I married her under a license issued by the proper official of the Choctaw Nation, and I know that I payed \$25.0 for the marriage license or certificate, and I know that Judge Bulson as an official of the Choctaw Nation, performed the marriage ceremony, and I know that the marriage certificate or license ought to be among the records of the Commission in this case, unless it has been lost or unless H. Robison, has sworn false when he swore that he sent it to the Commission, I can neither read or write and gave the certificate to H. Robison, to send to the Daws Commission, for me,

his
Mat M I Davis
mark

Witnesses to signature.

Jessie Brannon

J. C. Wood

Subscribed and sworn to before me, this the 21st day of
January 1907.

R. J. Grafe

Notary Public. (SEAL)

My Commission Expires, 28th, day of July, 1908.

Endorsed on back.

Department of the Interior
Commissioner to the Five Civilized Tribes.

F I L E D JAN 23 1907.

Tams Bixby, Commissioner.

Mat M. Davis et al, petitioners.

vs.

Choctaw & Chickasaw Nations, defendants.

I, Thos. Norman, do solemnly swear that I served a true and correct, perfect and literal copy of the petition in the above styled case to which this affidavit is attached, on Mansfield, McMurray & Cornish on February 8, 1906, by registering said copy to them addressed to them at south McAlester, I. T., and that the registry receipt hereto attached was issued on said registration.

(Signed) Thos. Norman.

Subscribed and sworn to before me this February 20, 1906.

(Signed) J. C. Riggins,

(SEAL)

Notary Public.

Commission expires Jan. 27th 1910.

Ardmore, Southern Dist. I.T.

(Registry Receipt Attached.)

Department of the Interior,
Commission to the Five Civilized Tribes,

Mat. M. Davis, et al Petitioners,

vs.

Petition for identification
and enrollment.

Choctaw and Chickasaw Nation,
Defendant.

Come now Petitioners, Mat. M. Davis, Annie Davis, Wife Minnie Davis, Hodge Davis, Escar Davis, Annie Davis, And respectfully state that they and each of them are citizens of the Choctaw Nation, and are entitled to be identified and enrolled, on the rolls of that nation, and to the enjoyment of all the rights, privileges any other citizen thereof enjoys.

As grounds therefor, Petitioner Mat M. Davis, Respectfully, states, that he is 51 years old and is a resident of the Choctaw Nation, and has been so for 32 years, that he was married to Minervia Davis, a Choctaw Indian by blood, born and raised in the said Choctaw Nation, The daughter of David Davis, and Mahalie Davis, and a full sister to George Davis, who has enjoyed his rights and privileges, as a citizen,

Petitioner further states that he was married to his Indian wife Menervia Davis, under the Choctaw law, having a petition signed by Ten Indian citizens, Indians by blood, Having paid \$25.00 for his marriage license, which was in accordance with said laws of that Nation;

Petitioner further states that at the time of his marriage to the said Menervia Davis, that he was informed by the Judge of the 3rd Judicial District, Judge Loring W. Folsom, that by virtue of this marriage he the said Mat M. Davis became then and there, a citizen of the Choctaw Nation, and from that time on up to the present time,

he has been recognized as such. He was married to the said Menervia Davis, in 1878, and lived with her untill her death, which occurred in 1880. That Mat M. Davis at all times from and after said marriage continued to reside in said nation in good faith, and at the birth of petitioners herein, both he and his wife, petitioners mother, were residents thereof in good faith, and both said parents at their birth were citizens of said nation.

That after the death of Menervia Davis, the said Mat M. Davis married Annie Adkins, a white woman, about the year 1882. As an issue of this marriage, Mat M. Davis, and Annie Davis had born to them, four children, all of whom are living, to-wit: Minnie Davis, 20 years of age, Hodge Davis, 18 years of age, and Escar Davis, 16 years of age, Annie Davis 14 years of age.

That petitioners are citizens therefore of the same Nation as their parents the Choctaw Nation.

Application was made to the Commission, in 1898 at Durant, Indian Territory, for the enrollment of petitioners, and latter on was before the Commission.

Wherefore Petitioners pray that they and each of them be identified, and enrolled, as citizens of said Choctaw Nation, and for any and all other proper and suitable relief.

(Signed) Thomas Norman,

I Mat. M. Davis, do solemnly swear that the facts and statements contained in the above petition are true,

Witness to mark:

(Signed) Mat. M. (his x mark) Davis,

Jessie Brannan.

T. M. Hinsley.

Subscribed and sworn to before me this the 24th day of January, 1906.

(Signed) R. F. Grafe,

(SEAL)

Notary Public.

My Commission Expires July, 28 1908.

Department of the Interior, Commissioner to the Five Civilized Tribes
Filed Mar. 1, 1906, Tama Bixby, Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Matt Davis, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that in the month of August, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Minnie, Hodge, Escar, and Annie Davis as citizens of said nation.

April 9, 1902, the Commission to the Five Civilized Tribes denied the application for the enrollment of the above named applicants as citizens of the Choctaw Nation, and on May 23, 1902 (I.T.D. 3132-1902), the Department returned the record therein for a further expression of opinion relative to said case, especially concerning the views of the Indian Office as expressed in its letter of May 14, 1902, which was inclosed.

August 12, 1902, there was transmitted to the Department a report of Commissioners Needles and Breckinridge, bearing date of July 26, 1902, and a report of Commissioner Dixby, bearing date of August 12, 1902, recommending that the decision of the Commission to the Five Civilized Tribes of April 9, 1902, be affirmed.

The Department on October 23, 1902 (I.T.D. 5493-1902), remanded the record in said case for readjudication in the light of any action that might be taken by the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), in cases involving similar questions.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1905, there was filed on March 1, 1906, by Thomas Norman, attorney at law, Ardmore, Indian Territory, a petition praying for the enrollment of the above named applicants as citizens of the Choctaw Nation.

The applicant, Matt Davis, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on October 15, 1878, to Minerva Davis, who died in 1880, and who is alleged to have been a citizen by blood of the Choctaw Nation. The applicant, Annie Davis, who is a white woman, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to the applicant, Matt Davis, and the minor applicants herein claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of said Matt Davis and Annie Davis.

Relative to the question whether or not Minerva Davis was a recognized citizen by blood of the Choctaw Nation, it appears that on May 25, 1900, the applicant, Matt Davis, filed with this office his affidavit, wherein he stated that Minerva Davis was a daughter of Mahala Davis, who "was a white woman I think, and perhaps her father was a white man", and David Davis, a white man; and that said Mahala Davis and David Davis were intermarried citizens of the Choctaw Nation.

In the affidavit of Matt Davis executed on August 30, 1897, he stated that his wife, Minerva Davis, was the only child of Mahala Davis and David Davis, and that she was a half-sister of George Davis (deceased), whose children had been enrolled. On October 10, 1905, he testified that Minerva Davis was a Choctaw by blood, and the full sister of George Davis (deceased), whose children have been finally enrolled as citizens by blood of the Choctaw Nation.

Bacy Folsom, in her affidavit filed with this office on September 7, 1897, stated that she was acquainted with Minerva Davis, and that the latter possessed one-fourth blood Choctaw.

Pier Durant, in his affidavit filed on January 20, 1905, stated that he was acquainted with Minerva Davis, the wife of Matt Davis; that she had a brother by the name of George Davis, whose children had been enrolled; and that Minerva Davis was a Choctaw by blood. In his testimony given before this office on October 10, 1905, Pier Durant testified that he was acquainted with Minerva Davis, who was a white woman and a citizen by marriage of the Choctaw Nation, and that she had a brother by the name of George Davis, but was unable to state whether he was a half or full brother of the applicant's wife, Minerva Davis.

Fred R. Robinson, on October 10, 1905, testified that he was fifty-four years of age, and was acquainted with Minerva Davis, the former wife of Matt Davis; that he was unable to state whether or not Minerva Davis possessed any Choctaw blood; and that he did not know whether George Davis was a full or half-brother of said Minerva Davis.

On January 28, 1907, there was filed with this office the affidavit of said Fred R. Robinson, wherein he stated that Minerva Davis was a full sister of George Davis, and that their mother, Mahala Davis, was recognized as a citizen of the Choctaw Nation.

In a statement filed with the record herein, addressed to the Secretary of the Interior, signed by J. O. Pool, L. D. Horton, and B. S. Johnson, attorneys for the applicant, it is stated that Matt Davis claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of having married the daughter of two intermarried citizens.

I am of the opinion that although ample opportunity has been afforded the applicant, Matt Davis, to show by satisfactory evidence that his wife, Minerva Davis, was a recognized citizen by blood of the Choctaw Nation, he has failed to do so.

I am, therefore, of the opinion that the application for the enrollment of Matt Davis as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that following the ruling of the Department in the case of Emma McManamin (I.T.B. 11582-1904), the application for the enrollment of Annie Davis as a citizen by intermarriage of the Chectaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

I am further of the opinion that the application for the enrollment of Minnie Davis, Mudge Davis, Esar Davis and Annie Davis, who are white children, as citizens of the Chectaw Nation, should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Wuskegee, Indian Territory,

FEB 15 1907

7-R-354

COPY

Muskogee, Indian Territory, February 15, 1907.

Matt Davis,

Durant, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 15, 1907, denying the application for your enrollment and for the enrollment of Annie Davis as citizens by intermarriage of the Choctaw Nation and for the enrollment of Minnie Davis, Hodge Davis, Escar Davis and Annie Davis as citizens of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*
Commissioner.

7-R-354.
Registered.

COPY

Muskogee, Indian Territory, February 15, 1907.

Johnson & Horton,

Durant, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation and for the enrollment of Minnie Davis, Hodge Davis, Escar Davis and Annie Davis as citizens of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamr Bixby*

Commissioner.

7-R-354.
Registered.

COPY

Muskogee, Indian Territory, February 15, 1907.

J. O. Pool,

South McAlester, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Minnie Davis, Hodge Davis, Escar Davis and Annie Davis as citizens of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamie Bixby*

Commissioner.

7-R-354.
Registered.

7-R-354

COPY

Muskegee, Indian Territory, February 15, 1907.

Chester Howe,
Washington Loan & Trust Bldg.,
Washington, D. C.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation and for the enrollment of Minnie Davis, Hodge Davis, Escar Davis and Annie Davis as citizens of said Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tan-Debbin

Commissioner.

7-R-354.
Registered.

7-R-354

COPY

Muskogee, Indian Territory, February 15, 1907.

Thomas Norman,

Ardmore, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation and for the enrollment of Minnie Davis, Hodge Davis, Macar Davis and Annie Davis as citizens of said nation.

The decision, with the proceedings in the case in this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*
Commissioner.

7-R-354.
Registered.

COPY

Muskogee, Indian Territory, February 15, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation and for the enrollment of Minnie Davis, Hodge Davis, Escar Davis, and Annie Davis as citizens of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*
Commissioner.

COPY

Muskogee, Indian Territory, February 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Matt Davis et al., including the decision of the Commissioner to the Five Civilized Tribes, dated February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage and for the enrollment of Minnie Davis, Hedge Davis, Escar Davis and Annie Davis as citizens of the Choctaw Nation.

Respectfully,

SIGNED *Jame Birby*
Commissioner.

7-R-354.
Through the
Commissioner of Indian Affairs.

D. C. 12633-1907.

J. K.
O. K.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 2, 1907.

LRS.

T. T. D.

6196, 6216, 6220, 6224-07.
6236, 6246, 6266, 6272-07.
6286, 6288, 6290, 6302-07.
6306, 6476, 6480, 6486-07.
6492, 6506, 6508, 6514-07.
6518, 6530, 6532, 6536-07.
6672, 6674, 6682, 6692-07.
6696, 6700, 6704, 6722-07.
6724, 6734, 6736, 6742-07.
6742, 6752, 6752-07.
6756, 6758, 6796-07.
6798, 6806, 6816, 6826-07.
6828, 6830-07.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Title of Your Letter of Transmittal.
Richard Floyd (Freedman),	February 13, 1907.
Dave and Addie May Bailey (Freedmen)	February 13, 1907.
Aradshia and Larcie McKinney (Freedmen)	February 16, 1907.
Honie Cochran (Freedman),	February 13, 1907.
Nancy Cole and Liza Ellen Cole (Freedmen),	February 14, 1907.
H. C. Seale, et al.,	February 14, 1907.
Nasell and Laveter Artry, (Freedmen),	February 14, 1907.
Nellie J. Gideon, et al.,	December 28, 1906.
Hema and Evaline Jackson,	February 14, 1907.
Ida Bell Bennett,	February 15, 1907.

Title of Case.	Date of your letter of transmittal.
Memie Warner, et al., (Freedmen),	February 16, 1907.
Katie Simpson, et al.,	February 16, 1907.
Raymond Henry Davis,	February 14, 1907.
Nancy T. Wilson, et al., (Miss. Choc.),	February 12, 1907.
J. H. Hill and Newton Hill,	January 25, 1907.
Flora Lee Spring (Freedman),	February 12, 1907.
William Edgar and Oscar Jeffreys, (Miss. Choc.),	February 11, 1907.
Celestine Pierce (Freedman),	February 13, 1907.
Hisk Cubit (Freedman),	February 13, 1907.
Lucretia Hadnot, et al.,	February 15, 1907.
Susan A. Baird,	February 15, 1907.
William Allen Gee (Miss. Choc.),	February 12, 1907.
Ella Williams (Freedman),	February 13, 1907.
Ida Colbert,	February 12, 1907.
Mable Everidge (Freedman),	February 15, 1907.
Duckie May Mabrie (Freedman),	February 15, 1907.
Cornelious and Vaneda Riddle (Freedmen),	February 15, 1907.
Jimmie Lee Alexander (Freedman),	February 13, 1907.
Fred M. Patterson, et al.,	February 15, 1907.
Ed Childers, et al., (Freedmen),	February 12, 1907.
Lizzie Dennis (Freedman),	February 15, 1907.
Hellen D'Grace McMurty,	February 12, 1907.
Mable Bailey and Susa Anna Bailey (Freedmen),	February 13, 1907.
John Louis (Freedman),	February 15, 1907.
Amanda Mutchy, (Freedman),	February 15, 1907.
Matt Davis, et al.,	February 15, 1907.
Marjie Record (Freedman),	February 15, 1907.
Laura Henry (Freedman),	February 14, 1907.
Ollie Webster (Freedman),	February 15, 1907.
James McCall,	February 15, 1907.
Nellie Elizabeth Kendrick (Freedman),	February 15, 1907.
Elwood Judy (Freedman),	February 15, 1907.
Oscar Brown (Freedman),	February 15, 1907.
Verna Verniti Bryant,	February 13, 1907.
Richard R. Perry (Freedman),	February 15, 1907.
James Luke Tubbee (Miss. Choc.),	February 20, 1907.
Elmina Berryman (Miss. Choc.),	February 20, 1907.
Ethel Rogers (Miss. Choc.),	February 20, 1907.

A copy hereof and all the papers in the above mentioned

-3-

cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

48 inc. and 96 inc.
for Ind. Of.

WCF. 3-3-07.

247-176
Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.

17178-1907.

February 28, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Matt Davis, et al., including the decision of the Commissioner Bixby, dated February 15, 1907, denying the application for the enrollment of Matt and Annie Davis as citizens by intermarriage, and for the enrollment of Minnie Davis, Hodge Davis, Oscar Davis, and Annie Davis, as citizens of the Shoshone Nation.

The decision of Commissioner Bixby has been examined, is found to be correct, and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-LC.

7-R-384

Muskogee, Indian Territory, April 11, 1907.

Matt Davis,

Surant, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 15, 1907, denying the application for your enrollment and for the enrollment of Annie Davis as citizens by intermarriage of the Choctaw Nation and for the enrollment of Minnie Davis, Hodge Davis, Escoe Davis and Annie Davis as citizens of said nation.

Respectfully,

Geo. D. Rodgers

Acting Commissioner.

Muskogee, Indian Territory, April 11, 1907.

Johnson & Horton,

Durant, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation and for the enrollment of Minnie Davis, Hodge Davis, Escar Davis and Annie Davis as citizens of said nation.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

Muskogee, Indian Territory, April 11, 1907.

J. O. Pool,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Minnie Davis, Hodge Davis, Escar Davis and Annie Davis as citizens of said nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-R-384

Muskogee, Indian Territory, April 11, 1907.

Chester Howe,

Washington Loan & Trust Bldg.,

Washington, D. C.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation and for the enrollment of Minnie Davis, Hodge Davis, Escar Davis and Annie Davis as citizens of said nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-R-384

Muskogee, Indian Territory, April 11, 1907.

Thomas Norman,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation and for the enrollment of Minnie Davis, Hodge Davis, Escar Davis and Annie Davis as citizens of said nation.

Respectfully,

Geo. D. Rodgers,

Acting Commissioner.

Muskogee, Indian Territory, April 11, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 15, 1907, denying the application for the enrollment of Matt Davis and Annie Davis as citizens by intermarriage of the Choctaw Nation and for the enrollment of Minnie Davis, Hodge Davis, Escar Davis and Annie Davis as citizens of said nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

Muskogee, Indian Territory, May 25, 1900.

Mr. Chester Howe,

623 F Street, N.W.,

Washington, D.C.,

Dear Sir:

The Commission is in receipt of the petition and affidavits in the matter of Matt Davis vs. the Choctaw Nation, forwarded to the Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission.

The records of the Commission show that Matt Davis appeared as an applicant for enrollment at Durant, and was there refused enrollment, for the reason that his wife, through whom he claimed as an intermarried citizen, had never been upon the rolls of the Choctaw Nation. The petition and affidavits have been filed with the records of this office, and any further testimony which the petitioner may desire to submit will be received, for forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent up to him for review.

Yours truly,

Acting Chairman.

(COPY)

Land
22707--1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated April 9, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes forwarding for the consideration of the Department the record relative to the application of Matt Davis for the enrollment of himself, his wife, Annie Davis, and his minor children, Winnie, Hodge, Escar and Annie Davis as citizens of the Choctaw Nation.

April 9, 1902, the Commission held that the parties above named are not entitled to be enrolled as intermarried citizens of the Choctaw Nation.

The record in this case shows that on or about October 15, 1887, Matt M. Davis, a white man, married in accordance with the laws of the Choctaw Nation Winervy Davis daughter of David Davis and Wahaly Davis. The record shows that Winervy Davis was a

recognized citizen of the Choctaw Nation; that her father, David Davis, had, prior to marrying her mother, been married to a citizen of the Choctaw Nation; that her mother had also, prior to the time she married Minervy Davis' father, been married to a citizen of the Choctaw Nation. The record shows that the father and mother of Minervy Davis were married some time between 1830 and 1840.

Minervy Davis died during the month of March, 1880, leaving no issue, and on February 11, 1883, Watt W. Davis, the principal applicant, married his present wife, Annie Davis, whose maiden name was Adkins, in accordance with the laws of the State of Texas. His present wife is a white woman.

The Choctaw intermarriage law approved November 9, 1875, (Durant's Digest P. 225) is in part as follows:

"1. Be it enacted by the general council of the Choctaw nation assembled: Any white man, or citizen of the United States or of any foreign government, desiring to marry a Choctaw woman, citizen of the Choctaw Nation, shall be and is hereby required, to obtain a license for the same, from one of the circuit clerks or judges, of a court of record, and make oath or satisfactory showing to such clerk or judge, that he has not a surviving wife from he has not been lawfully divorced; and unless such information be freely furnished, to the satisfaction of the clerk or judge, no license shall issue; and every white man or person applying for a license as provided herein, shall, before obtaining the same, be required to present to the said clerk or judge, a certificate of good moral character, signed by at least ten respectable Choctaw citizens by blood, who shall have been acquainted with him at least twelve months immediately preceding the signing of such certificate; and before any license as herein provided, shall be issued, the person applying shall be and is hereby required to pay to the clerk or judge the sum of twenty-five dollars; and be also required to take the following oath: 'I do solemnly swear that I will honor, defend, and submit to the constitution and laws of the Choctaw nation, and will neither claim nor

seek from the United States government or from the judicial tribunals thereof, any protection privilege, or redress incompatible with the same as guaranteed to the Choctaw nation by the treaty stipulations entered into between them, so help me God.'

2. Marriages contracted under the provisions of this act, shall be solemnized as provided by the laws of this nation, or otherwise null and void.

3. No marriage between a citizen of the United States, or any foreign nation, and a female citizen of this nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal, and every person who shall engage and assist in solemnizing such marriage shall upon conviction be fined fifty dollars, and it shall be the duty of the district attorney in whose district such person resides to prosecute such person before the circuit court, and one-half of all fines arising under this act, shall be equally divided between the sheriff and the district attorney.

5. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Choctaw nation by inter-marriage, as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman or person as the case may be, having no rights of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

Section 21 of the Curtis Act declares, among other things, that:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

Article 38 of the treaty of April 1868, (14 Stats., 769) is as follows:

"Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the

laws of the Choctaw and Chickasaw nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw or Chickasaw."

Judge Clayton, United States District Judge for the Central District of the Indian Territory, in the case of F. R. Robinson against the Choctaw Nation, after quoting from section 5 of the Choctaw act of November 9, 1875, and quoting article 38 of the treaty of 1866, referring to said articles said."

"By this provision of the treaty there is to be no difference between a citizen by virtue of his marriage and a native Choctaw. They are to enjoy equally and alike all of the benefits of Choctaw citizenship, as well as share the burdens. Any act, therefore, of the Choctaw council passed after the ratification of the treaty which makes a distinction between them, granting one greater privileges or rights, or imposing on him more burdens than the other, or which shall undertake to enlarge or curtail the rights and privileges which flow from citizenship as to the one and not as to the other, would be in violation of this provision of the treaty and therefore void. An act which puts the white man in any respect in a different attitude or condition than the Indian is void."

and held that,

"Now, unless a marriage of a native Indian to a white woman, after his Indian wife shall have died, has the same effect on him---that is, decitizenizes him, divests him of all title to the Choctaw lands, and deprives him of the right to live in the country---that statute works an inequality, and the white man does not enjoy the same privileges as the native Indian. The citizenship is different and the rights flowing therefrom are not the same. The one may do an act that the other can not do; the one has a privilege, that of marrying a white woman, that the other does not enjoy. The important right of unrestricted selection of a wife enjoyed by the native Indian is denied the white citizen by marriage; and therefore, the provisions of the statute being in conflict with the treaty are absolutely void; and it makes no difference

whether the first marriage was before or after the enactment of the statute. Of course the latter marriage must be in accordance with the laws of the Choctaw Nation.

I therefore find that the claimant is entitled to be enrolled. I hold also that the offspring of such marriage would be entitled to be enrolled; the father being a lawful citizen, his children would follow his citizenship, and by inheritance take any property rights he may have acquired thereby; but I do not think that the commissioners who negotiated the treaty ever contemplated that it should extend further and enable a white man, whose Indian wife should have died, to be in a condition that by his second marriage to a white woman he could, by virtue of such marriage, confer on his white wife citizenship so far that in case of his death she might remarry and confer on her white husband and her children by her second marriage the rights of Choctaw citizenship.

The action of the Dawes commission in enrolling the claimant is affirmed. Judgment for claimant."

In the opinion of this office when Matt M. Davis married his Choctaw wife in accordance with the laws of that nation he became, to all intents and purposes, so far as property rights in the Choctaw Nation are concerned, an Indian, and that by such marriage he became entitled to all the rights and privileges of participating in the distribution of the common property of the nation. If this be true, he could not, by a subsequent marriage to a white woman, performed under laws other than those of the Choctaw nation, divest himself of his citizenship right.

If this applicant had been a full-blood Choctaw Indian and had married a white woman in accordance with the laws of the state of Texas he would still be a citizen of the Choctaw Nation and his children by such marriage would be citizens of

the Choctaw Nation. This applicant, the office believes, as above stated, became, when he married his Choctaw wife in accordance with the laws of the nation, an Indian to the extent of being entitled to share in the property of the nation, and it does not believe that his subsequent marriage to a white woman in accordance with the laws of the state of Texas divested him of this right. This marriage did not, however, confer, in the opinion of this office, the right of citizenship upon his wife, but the office does believe that the offspring of that marriage follows the status of the father and that they are, within the meaning of the law, Indians, and entitled to share in the distribution of the land of the Choctaw Nation.

It is therefore respectfully recommended that the Commission be instructed to enroll Watt M. Davis and his minor children Minnie, Hodge, Escar and Annie Davis, and that its decision refusing to enroll Annie Davis, wife of Watt M. Davis as an intermarried Choctaw be approved.

Very respectfully,
Your obedient servant,

A. C. Tenner,

Acting Commissioner

G. A. W. (S)

I. T. D. 3132-1902.

(COPY)

30655.

J.P.
WHR.

G. O. No. 8759-1902

Department of the Interior.

L. R. S.

Washington.

May 23, 1902.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 14, 1902, the Acting Commissioner of Indian Affairs submitted the record in the matter of the application of Matt Davis, for the enrollment of himself and his wife, Annie Davis, and their four children, as citizens of the Choctaw Nation.

It appears that Matt Davis is a white man and was married in 1878, in the Indian Territory, to a Choctaw woman, in accordance with the Choctaw laws, and that he and his wife continued to reside in the Choctaw Nation; that his wife died in 1880, and in 1883, he married his present wife, a white woman, in Texas, and that the children for whom application is made, are the issue of this last marriage.

Referring to the laws of the Choctaw Nation which provide that-

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Choctaw nation by inter-marriage, as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights

of citizenship; unless he or she shall marry a white man or woman or person as the case may be, having no rights of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

you rejected the application holding that whatever rights Davis acquired by reason of his marriage to his Choctaw wife, were forfeited by his second marriage, and therefore his present wife and children by her acquired no rights in the Indian Territory.

The Acting Commissioner finds that all of the parties except Annie Davis, should be enrolled, basing his conclusions mainly upon the decision of the United States Court in the somewhat similar case of Robinson vs. The Choctaw Nation (see your 8th Annual Report, page 124), from which he quotes as considerable length.

In your decision you make no reference to this decision of the Court.

The Department desires further expression of opinion by you in regard to this case, especially concerning the views of the Indian Office, and therefore incloses the record herewith, together with a copy of the Acting Commissioner's letter.

Respectfully,

Thos. Ryan

Acting Secretary.

R. M. D.

2 Inclosures.

Chester 2 202

Muskogee, Indian Territory, June 19, 1902.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you desire to be advised if the Secretary of the Interior has passed upon the application of Matt Davis, of whose rejection you had notice from the Commission April 9, 1902.

You state that you have been informed by Mr. J. O. Pool that he has recently been advised from Washington that the decision of the Commission in this case had been reversed by the Secretary of the Interior.

Replying to your inquiry you are informed that the decision of the Commission to the Five Civilized Tribes refusing the application of Matt Davis for the enrollment of himself, his wife and his four minor children as citizens of the Cherokee Nation has not been finally passed upon by the Secretary of the Interior up to this time.

When this case is finally passed upon by the Secretary of the Interior, you will be duly advised as you were informed in

L D H S

our letter of April 9, 1902.

Yours truly,

Commissioner in Charge.

Mustache, Indian Territory, July 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

We have the honor to reply to Departmental letter of May 22, 1902, (I.Y.B. 3155-1902) transmitting to the Commission the rejected case (Chester & Son) of Mustache for the enrollment of himself, his wife, Annie Davis, and their minor children, Minnie, Edgar, Edgar and Annie Davis as Chester citizens.

Mustache is a white man, and was first married in 1878, in Indian Territory, to a Chester woman, in accordance with the Chester laws; and he and his first wife lived together in Indian Territory until she died in 1890. Since the death of his first wife, and in 1901, he lawfully married and cohabited with a white woman. The children applied for are the issue of the last marriage; and this must be considered to be free from any complications which might conflict with the rights of the applicants under the foregoing state of existing facts.

Concerning this case the Department says:

The Acting Commissioner finds that all of the parties except Annie Davis, should be enrolled, pending his decision upon the decision of the United States Court in the case.

Secretary 2

similar case of Robinson vs. The Cheateau Nation (See year 8th Annual Report, page 184), from which he quotes at considerable length."

The Department also states that it "desires further expression of opinion by you (the Commission) in regard to this case, especially concerning the views of the Indian Office, and therefore incloses the record herewith, together with a copy of the Acting Commissioner's letter."

All the papers referred to are received.

Seemingly the first question to be considered in this matter is whether the doctrine laid down by the United States Court in the case of Robinson vs. The Cheateau Nation, or in any similar case, is obligatory upon the Commission or simply persuasive, in the exercise of its functions in regard to a case of this character.

Before dealing with the effect of more recent legislation, it seems proper to call attention to certain features of the Act of June 10, 1896, under which the case of Robinson vs. the Cheateau Nation arose.

It is well known that the act now under consideration was passed for the purpose of giving relief, or of affording a tribunal, to certain "claimants" or "disputed citizens" of the Cheateau and other tribes of Indian Territory. The relevant

Secretary 3

part of the act, referring to the Commission, provides:

"That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled: Provided, however, That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rules, usages, and customs of each of said nations or tribes: And provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof."

"In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their power for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal

Secretary 4

from such decision to the United States district court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final."

"That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein."

(Act of June 10, 1896. 29 Stat., 339, C. 596.)

The question is raised by the Commission as to the sufficiency or finality of a decision of the court in the case of any applicant who applied for admission to citizenship under this act. The act itself says "the judgment of the court shall be final".

But it is a very different and serious question whether a doctrine laid down by the court at that time is to expand in its effect so as to efface the specific limitations of the act and confer upon claimants "who desire such citizenship" all the rights and benefits of a favorable decision upon an application made within the "three months" limit provided by Congress.

Unless that act, and all that took place and was said under it, is confined strictly to the persons who were the actual subjects of decisions, then a claimant today has only to prove a state of facts, analogous to those of some case favorably

Secretary 3

acted upon at the time, in order to enter upon the enjoyment of successful compliance with all the requirements of this law.

It has heretofore been contended that the state of unsound mind and of infancy exempted persons from the limitations of time prescribed in the law referred to. Upon this question Attorney General Van DeVanter gave the Department an opinion "in the negative", June 8, 1901, and approved by the Department on the same date.

The Commission fully concurs in the opinion of the Assistant Attorney General; and it is further of the opinion that the proposed application of the doctrine of the court would be an extension of the laws and of the authority of the court, acting under the law in question, and in violation of the specific limitations named in the act. Hence the Commission concludes that, while these decisions of the court are of course binding, yet the doctrine in this instance is not obligatory upon the Commission, as is usually and necessarily the case, but is and should be simply persuasive, as its merits may appear.

Passing from the consideration of the force and effect of the act of June 10, 1896, we call attention to subsequent legislation; and it may be noted that perhaps in regard to no

Secretary 6

subject has Congress made so many changes in so short a time as it has in regard to the rolls and citizenship requirements of these tribes.

The Act of June 7, 1897, provides:

* That said Commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any of said tribes, when ratified, shall operate to suspend any provisions of this act if in conflict therewith as to said nations: Provided, That the words, "rolls of citizenship", as used in the act of June tenth, eighteen hundred and ninety-six, making appropriations for correct and contingent expenses of the Indian department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized courts thereof, or the commission under the Act of June tenth, eighteen hundred and ninety-six. And all other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this act. And any name appearing upon such rolls and not confirmed by the act of June tenth, eighteen hundred and ninety-six as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days' previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation: Provided, also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the act of June tenth, eighteen hundred and ninety-six.*

The pertinent part of Section 21 of the Act of June 28, 1898, after providing especially for a new roll of Cherokee citizens and of Cherokee freedmen, is as follows:

Secretary &

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

In connection with the foregoing are elaborate provisions to enable the Commission to perform the complicated duties imposed, and, instead of providing for an appeal to the United States Court, as before, the review and approval of the Secretary of the Interior is required, it being stated in this act these rolls,

" x x when approved by the Secretary of the Interior, shall be final, x x x ".

The Act of May 31, 1900 contains the well known provision

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, x x ".

The Act of March 3, 1901 follows with the provision that

"The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized

Secretary 3

by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto."

The constant spirit of Congressional legislation has been one of dissatisfaction with the past and a desire to make new and more stringent provisions for the future in matters of Indian citizenship. Not content with recasting the status of citizenship affairs, as relates to persons not covered by a final decision under the Act of June 10, 1896, the present Congress, in An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, proceeds to deal directly with even those who were the subjects of favorable and heretofore "final" decision by the United States Court in Indian Territory, under said act of June 10, 1896.

The following parts of this agreement, pending now only in so far as the Choctaw and Chickasaw Nations are concerned, are instructive in this inquiry:

"Section 27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stat., 495), and the act of Congress approved May 31, 1900 (31 Stat., 221), except as herein otherwise provided: Provided, That no person

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claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined."

Section 31. In part: "It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory, acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de nove of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within 90 days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts."

Section 32. In part: "Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, wherever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said

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court to determine the very right of the controversy."

It is further prescribed in Section 32 that paragraphs thirty-one, thirty-two and thirty-three (the latter creating the court), "shall go into effect immediately after the passage of this Act by Congress."

As indicative of the distinction between claimants who have been made the subjects of favorable decisions, upon the one hand, and those who may be covered only by the doctrine of the United States Court in Indian Territory, in proceedings under the Act of June 10, 1896, upon the other, attention is called to the following clause of Section 34 of the agreement just passed by Congress:

"During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement."

Apart from the limitation contained in the Act of June 10, 1896, subsequent legislation placed the citizenship question upon an essentially new basis, giving the Commission new duties, making it, as it were, a new body, a new court, and vesting the

Secretary 11

right of appeal to the secretary of the Interior.

It is perhaps unknown to our laws that a right of review never exists. Time and again the Department, the Commission and the courts reverse themselves. They are always open to the effect of further consideration. This cannot be true of a court or a jurisdiction that has ceased to exist; and it cannot lay its dead hand upon the living machinery of the Government and paralyze its energies and functions. Its decisions stand, as the law requires; but its doctrines have only the life of its power.

But even if this did not follow from these considerations, subsequent legislation comes in and makes it so.

The Act of June 10, 1896, provides "That the rolls of citizenship of the several tribes as now existing are hereby confirmed X X ". The Act of June 7, 1897 says that this "shall be construed to mean the last authenticated rolls of each tribe which have been approved by the Council of the Nation, X X "; and it expressly states that it shall also mean such additional names and their descendants as have been subsequently added either by the Council of such Nation, the duly authorized courts thereof, or the Commission under the Act of June 10, 1896.

Only these "added" are included or are in any way confirmed. All others must stand the test of entirely new proceedings, even though they be upon the authenticated rolls

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adopted in 1896.

The Act of June 28, 1898 goes further. The direction to "eliminate from the tribal rolls such names as may have been placed thereon by fraud or without authority of law" gives a jurisdiction to the Commission and the Secretary of the Interior far wider than that previously and temporarily extended to the Commission and the United States Court in Indian Territory. It relates to all the rolls, without limitation, of the Chectaw and Chickasaw Nations. It is a question whether this does not also include the names of those "added" by being fraudulently and notoriously interpolated in the decisions of the United States Court in Indian Territory. The courts themselves have since purged their former decisions of the names of numbers of such persons, all of whom were "construed to mean" a part of the rolls under the act of 1897.

The Act of May 31, 1900 goes still further. It forbids the Commission from even receiving the applications of any one not already "admitted". No mere right to admission will suffice; but an applicant must have been a "recognized" citizen, and duly and lawfully enrolled or admitted "as such"; and, as is well settled, the exercise of this judicial ^{discretion} is vested alone in the Commission and the Secretary of the Interior.

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By a series of new legislation the Commission is clothed with new and constantly broadened judicial power, with a new and different right of appeal, viz: to the Secretary of the Interior. "Under these acts of Congress, the Commission to the Five Civilized Tribes is a special tribunal, vested with judicial power to hear and determine the claims of all applicants to citizenship in the Five Tribes; and its enrollment or refusal to enroll the applicant in each particular case constituted its judgment in that case. Congress saw fit to ~~reserve~~ the judicial discretion of the Commission the determination of the application of the plaintiff in error, and of every question of law and of fact which that decision involved."

(United States Circuit Court of Appeals, Eighth Circuit, October 18, 1900, Kimberlin vs Commission to Five Civilized Tribes et al. Commission's Eighth Annual Report p 203.)

It seems clear that the Commission and the Secretary of the Interior are imperforming these functions in no wise under bondage to the doctrines arising from an extinct power of the United States Court in Indian Territory. No comparison or relationship can just be made or established between the new and the old.

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Nothing can be more convincing that the doctrine of a dead power should be only persuasive upon the living, than what we believe at least to be, the unsoundness of the doctrine now sought to be applied and the injurious consequences which would flow therefrom.

The decision in question, that of the United States Court in Indian Territory, in the case of F. M. Robinson v. the Choctaw Nation (Commissioner's Eighth Annual Report p 124), arose especially, as the case now at bar does, under the following provisions of law:

"Should a ny man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Choctaw nation by inter-marriage, as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman or person as the case may be, having no rights of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

(Section 5, Choctaw Act approved November 9, 1897, (Durant's Digest, p. 225.)

Article 38 of the treaty of April 22, 1866, (14 State., 769):

"Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he

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was a native Choctaw or Chickasaw."

Section 21 of the Curtis Act states:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes;"

The court in this connection held that:

"By this provision of the treaty there is to be no difference between a citizen by virtue of his marriage and a native Choctaw. They are to enjoy equally and alike all of the benefits of Choctaw citizenship, as well as share the burdens. Any act, therefore, of the Choctaw council passed after the ratification of the treaty which makes a distinction between them, granting one greater privileges or rights, or imposing on him more burdens than the other, or which shall undertake to enlarge or curtail the rights and privileges which flow from citizenship as to the one and not as to the other, would be in violation of this provision of the treaty and therefore void. An act which puts the white man in any respect in a different attitude or condition than the Indian is void."

The court further held as follows:

"Now, unless a marriage of a native Indian to a white woman, after his Indian wife shall have died, has the same effect on him --- that is, decitizenizes him, divests him of all title to the Choctaw lands, and deprives him of the right to live in the country --- the statute works an inequality, and the white man does not enjoy the same privileges as the native Indian. The citizenship is different and the rights flowing therefrom are not the same. The one may do an act that the other can not do; the one has a privilege, that of marrying a white woman, that the other does not enjoy. The important right of unrestricted selection of a wife enjoyed by the native Indian is denied the white citizen by marriage:

and therefore, the provisions of the statute being in conflict with the treaty, are absolutely void; and it makes no difference whether the first marriage was before or after the enactment of the statute. Of course the latter marriage must be in accordance with the laws of the Choctaw Nation.

I therefore find that the claimant is entitled to be enrolled. I hold also that the offspring of such a marriage would be entitled to be enrolled; the father being a lawful citizen, his children would follow his citizenship, and by inheritance take any property rights he may have acquired thereby; but I do not think that the commissioners who negotiated the treaty ever contemplated that it should extend further and enable a white man, whose Indian wife should have died, to be in a condition that by his second marriage to a white woman he could, by virtue of such marriage, confer on his white wife citizenship so far that in case of his death she might remarry and confer on her white husband and her children by her second marriage the rights of Choctaw citizenship.

The action of the Daves commission in enrolling the claimant is affirmed. Judgment for claimant."

After laying down the doctrine that

"there is to be no difference between a citizen by virtue of his marriage and a native Choctaw;"

and

"that they are to enjoy equally and alike all of the benefits of Choctaw citizenship, as well as share the burdens;"

and, further, that

"Any act, therefore, of the Choctaw Council passed after the ratification of the treaty which makes a distinction between them, granting one greater privileges or rights, or imposing on him more burdens than the other, or which shall undertake to enlarge or curtail the rights and privileges which flow from citizenship as to the one and not as to the other, would be in violation of this provision of the treaty and therefore void;"

Secretary 17

After laying down this doctrine in the most complete and emphatic manner, the court immediately shrank from it.

It immediately proceeded to "curtail the rights and privileges which flow from citizenship as to the one," and held that it did

"not think that the commissioners who negotiated the treaty ever contemplated that it should extend further and enable a white man, whose Indian wife should have died, to be in a condition that by his second marriage to a white woman he could, by virtue of such marriage, confer on his white wife citizenship so far that in case of his death she might remarry and confer on her white husband and her children by her second marriage the rights of Choctaw citizenship."

In fact the view taken by the court of the meaning and intent of Article 38 of the treaty of 1866, was wrong, not only in part, but in toto. The fact that the Commission shared the error in the vast press of business and of new questions at that time, does not strengthen the present position of the case. We have a new lease of authority to correct it, at least in part, if the Department concurs, while the court has not. The section of the treaty in question was, and clearly was intended to be, merely a grant of jurisdiction to the Indian courts over inter-married white citizens, so long as they remained such; and it was in no wise intended to take from the Choctaw and Chickasaw Nations the regulation of their citizenship and family affairs, by far the dearest rights they had. It was rather to extend,

confirm and put at rest that question and power; and we think that it takes an unusual construction of language to hold otherwise.

It is well known that an old and very troublesome matter with the Indians was the control of intermarried white men, who possessed, claimed, and exercised Indian citizenship rights in matters pertaining to property and business facilities, but claimed the rights of white men and non citizens when there arose a question of the jurisdiction over them of the Indian courts.

Let the section be construed, first, in the light of its own language and construction; and, second, in the light of legislation both prior and subsequent to its enactment.

The section relates exclusively to intermarried white persons who (1) reside "in the Choctaw or Chickasaw Nation"; or (2) who have "been adopted by the legislative authorities." Lawfully intermarried whites, where citizenship is granted by intermarriage, are universally known as "adopted" citizens, though, while rare cases are known of white people being adopted direct by legislative act.

Certain things are enacted of such a "white" person:
(1) He "is to be deemed a member of said nation." This is punctuated as a proposition to itself. (2) And he "shall be

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subject to the laws of the Choctaw and Chickasaw Nations according to his domicile." This is a separate and distinct clause, placing the party generally under the Indian "laws" x x x "according to his domicile". But this had been an endless subject of dispute, not to say quibbling, and contention. There must follow prosecution and punishment; and each is made the subject of a special clause. Hence we find that the intermarried or adopted white person is also, in terms, made subject, (3) "to prosecution and trial before their tribunals"; and, (4) "to punishment according to their laws in all respects as though he was a native Choctaw or Chickasaw".

A comma separates each of the foregoing propositions. The qualifying words in each clause relate only to the subject matter or proposition of the particular clause in which they occur. In the last clause there is no comma or other separation between the words "to punishment according to their laws" and the words "in all respects as if he was a native Choctaw or Chickasaw."

We do not mean to say that, even if the latter words, from which strength and color are derived, were so used as to qualify all the propositions of the section, it would justify the construction that white persons were to be deemed citizens any longer than they maintained their citizenship under tribal

laws and customs. They would have that qualifying effect if they had been punctuated apart instead of being blended into one clause following the last comma. They are so punctuated in the Constitution, Laws and Treaties of the Chickasaw Nation of 1899, p 511; but not so in the official publication of the United States, or in the 1894 compilation of the Choctaw Nation.

The Government has occupied an especially paternal and trusted position with respect to these tribes. As early as the treaty of March 24, 1837 these tribes showed the utmost confidence in the Government safe guarding their domestic interests, when they provided in Article 4 of said treaty, as follows:

"To provide for the future adjustment of all complaints or dissatisfaction which may arise to interrupt the peace and harmony which have so long and so happily existed between the Choctaws and Chickasaws, it is hereby agreed by the parties that all questions relative to the construction of this agreement shall be referred to the Choctaw agent to be by him decided; reserving however, to either party, should it feel itself aggrieved thereby, the rights of appealing to the President of the United States, whose decision shall be final and binding. But as considerable time might elapse before the decision of the President could be had, in the mean time the decision of the said agent shall be binding."

In the treaty of 1855 they showed careful concern in regard to their social affairs and rights of citizenship. Section

Secretary 21

7 of that treaty provides:

"So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government, and full jurisdiction over persons and property within their respective limits; excepting, however, all persons, with their property, who are not by birth, adoption, or otherwise citizens or members of either the Choctaw or Chickasaw tribe; and all persons, not being citizens or members of either tribe, found within their limits, shall be considered intruders, and be removed from and kept out of the same by the United States agent, assisted if necessary by the military x x x ."

Provisions of the treaty of 1866, other than Article 38, show that the intrusion and the assumption of exceptional status, by white men, were matters of special concern to these tribes; and they betray no where any desire, purpose, or consciousness of innovations in their domestic and citizenship concerns. Upon the contrary, they sought to strengthen this hold. Article 7 of this treaty provides that:

"The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of persons and property within the Indian Territory: Provided, however, such legislation shall not in anywise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw nations respectively."

Their distinction between white persons subject and not subject to their laws is specially shown in Article 14 of

Secretary 22

this treaty, as follows:

"The United States shall protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to their jurisdiction and laws;"

That they clearly considered Article 38 as not extending the rights of intermarried whites beyond the accepted scope of tribal law and custom is shown by Section 7 of the Constitution of the Chickasaw Nation, adopted August 16, 1867. It is as follows:

"That every white person, who having married a Chickasaw Indian, or who has been adopted by the Legislative authorities of said Nation shall be entitled to all the rights, privileges and immunities guaranteed to them only by the thirty-eighth Article of the Treaty of 1866, with the Choctaw and Chickasaw Indians."

The Choctaw Constitution of 1859 or 1860 indicates how far it was from the wish or purpose of the tribe to make adopted citizens in "all" respects equal with citizens by blood. Article 7, Section 2, provides that:

"No person shall be principal chief, or subordinate chief, senator, or representative, unless he be a free male citizen of the Choctaw nation, and a lineal descendant of the Choctaw or Chickasaw race."

The recognized and uniform custom of these tribes, prior to and since the treaty of 1866, has been to deny citizenship to white people in accordance with the letter and spirit of their intermarriage acts of 1875. These acts only crystallized into

Secretary 23

law the cherished and time honored law of custom. It is not believed that these rights would be consciously surrendered, or that the Government desires to claim their forfeiture except under plain and unmistakable provisions of language.

Turning from the evidence of the sustained purpose and intent of the tribes, attention is called to the spirit of care exercised by Congress in conserving to them their laws and preferences in these matters. Section 38 of the Act of May 2, 1890 contains the following:

"Provided, further, that said chapter one hundred and three of said laws of Arkansas shall not be construed so as to interfere with the operation of the laws governing marriage enacted by any of the civilized tribes."

Respectfully,

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Through the Commissioner
of Indian Affairs.

7-B-384.

COPY.

Muskogee, Indian Territory, August 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report by Commissioners Needles and Breckinridge, under date of July 28th, replying to Departmental letter of May 23, 1903, (I.T.D., 3132-1903) resubmitting to the Commission the rejected case (Chester B-384) of Matt Davis, for the enrollment of himself, his wife, Annie Davis, and his minor children, Fannie, Hodge, Oscar and Annie Davis, as Chester citizens. This report was prepared by Commissioner Breckinridge, but as I am not fully in accord with certain of the doctrines expressed by him, I have the honor to submit herewith my personal views upon the matter under consideration. I have endeavored to conform as nearly as practicable to the general outlines of the report prepared by Mr. Breckinridge, and have incorporated herein certain of his views. The facts in the case are as stated by Commissioners Needles and Breckinridge.

Concerning this case the Department, referring to the report of the Acting Commissioner of Indian Affairs, May 14, 1903,

Secretary, R.

(Land 88707-1908), says:

"The Acting Commissioner finds that all of the parties except Annie Davis, should be excluded, basing his conclusions mainly upon the decision of the United States Court in the somewhat similar case of Robinson vs. The Chester Nation (see your 8th Annual Report, page 124), from which he quotes at considerable length."

The Department also states that it

".....desired further expression of opinion by you in regard to this case, especially concerning the views of the Indian Office, and therefore incloses the record herewith, together with a copy of the Acting Commissioner's letter."

All the papers referred to are received.

The question under consideration is whether the applicant in chief, Matt Davis, did not forfeit his right as a citizen of the Chester Nation by his marriage to a non-citizen white woman in 1883, after the death of his Chester wife; and, having thus forfeited his right, he could confer citizenship upon his present wife and the offspring of such marriage.

The Acting Commissioner of Indian Affairs, in his report, quoting from the opinion of Judge Clayton, United States Dis-

Secretary, 3.

trial Judge for the Central District of Indian Territory, in the case of F. H. Robinson vs. The Chectaw Nation, maintains that the applicant in chief did not forfeit his citizenship by his marriage to a white woman after the death of his Chectaw wife, and further, that the offspring of his second marriage are, within the meaning of the law, Indians, and that they are entitled to share in the distribution of lands of the Chectaw Nation.

Before dealing with the effect of more recent legislation, it seems proper to call attention to certain features of the Act of June 10, 1896, under which the case of Robinson vs. The Chectaw Nation arose. It is well known that the act now under consideration was passed for the purpose of giving relief, or affording a tribunal to certain "claimants" or "disputed citizens" of the Chectaw and other tribes of Indian Territory. The relevant part of the act referring to the jurisdiction of the Commission and the United States Court in Indian Territory provides:

"That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled: Provided, however, That such application shall be made to such commissioners within three months after the passage of this act. The said commis-

Secretary, 4.

sion shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes; and provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue legal process for and compel the attendance of witnesses, and to send for persons and papers and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes; Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States District Court; Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of

Secretary, 5.

each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein." (29 Stat.L., 382).

Under this legislation J. R. Robinson filed his petition for admission as an intermarried citizen of the Choctaw Nation with the Commission to the Five Civilized Tribes, and the same opportunity was at that time open to Matt Davis for a full adjudication of his rights as a citizen of the Choctaw Nation. Of this privilege he did not avail himself; and, in the Robinson case, the Choctaw Nation, aggrieved with the decision of the Commission, availed itself of the appeal provided to the United States Court for the Central District of Indian Territory. That Court in rendering its judgment, finds Robinson to be entitled to citizenship in the Choctaw Nation, and the Commission to the Five Civilized Tribes is by the Court directed, in accordance with the power vested by the act of June 10, 1896, to place his name upon the roll of citizens prepared or to be prepared by the Commission to the Five Civilized Tribes.

No question is raised by the Commission as to the sufficiency or finality of a decision of the Court in the case of any

Secretary, S.

applicant who applied for admission to citizenship under this act. The act itself says that

"....the judgment of the court shall be final."

But, it is a very different and a very serious question whether a doctrine laid down by the Court at that time is subsequently to expand in its effect so as to efface the specific limitations of the act, and thus confer upon claimants "who desire such citizenship" but did not then apply therefor, all the rights and benefits of a favorable decision upon an application which was made within the three months limit provided by Congress.

Unless that act and all that took place and was said under it be confined strictly to the persons who were the actual subjects of decisions, then a claimant to-day has only to prove a state of facts analogous to those of some case favorably acted upon at that time in order to enter upon the enjoyment of successful compliance with all the requirements of this law.

The power to admit to citizenship is the Chester Nation by the Chester tribal authorities, the Commission to the Five Civilized Tribes, the United States Court in Indian Territory, or

Secretary, 7.

any other tribunal, has long since been extinguished. The Commission to the Five Civilized Tribes is now directed to prepare a roll of the citizens of the Choctaw Nation, under the following paragraph of Section twenty-one of the act of Congress of June 25, 1895, (30 Stat.L., 495):

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

In connection with the foregoing are elaborate provisions to enable the Commission to perform the complicated duties imposed. And, instead of providing for an appeal to the United States Court as before, the review and approval of the Secretary of the Interior is required, it being stated in this act that these rolls

"....when approved by the Secretary of the Interior, shall be final,....."

Secretary, S.

The act of May 31, 1900, contains the well known provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such....."

The act of March 3, 1901, follows with the provision that

"The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto."

The constant spirit of Congressional legislation has been one of dissatisfaction with the past and a desire to make new and more stringent provisions for the future in matters of Indian citizenship in the Five Civilized Tribes. Not content with recasting

Secretary, 9.

the status of citizenship affairs as relates to persons not covered by a final decision under the act of June 10, 1896, the present Congress in

"An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes"

approved July 1, 1902, proceeds to deal directly with even those who were the subjects of favorable and heretofore "final" decisions by the United States Court in Indian Territory under said act of June 10, 1896.

The following parts of this agreement, pending now only in so far as the Choctaw and Chickasaw Nations are concerned, are instructive in this inquiry:

"The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stats., 498), and the act of Congress approved May 31, 1900 (31 Stats., 321), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal

Secretary, 10.

property until his right thereto has been finally determined.

.....
It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory, acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial *de novo* of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within 90 days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts.....

.....
Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, wherever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy.....

Secretary, 11.

It is further prescribed in Section thirty-two of the above agreement, that paragraphs thirty-one, thirty-two and thirty-three (the latter creating the court),

".....shall go into effect immediately after the passage of this Act by Congress."

Apart from the limitation contained in the act of June 10, 1896, subsequent legislation placed the enrollment of citizens upon an essentially new basis, giving the Commission new duties, making it as it were a new body, and providing for the review and approval of its acts by the Secretary of the Interior.

It is perhaps unknown to our laws that a right of review never exists. Time and again, the Department, the Commission and the Courts reverse themselves. They are always open to the effect of further consideration. This cannot be true of a court or a jurisdiction that has ceased to exist; and it cannot lay its dead hand upon the living machinery of the Government and paralyze its energies and functions. Its decisions stand as the law requires, but its doctrines have only the life of its power. Even if this did not follow from these considerations subsequent legislation comes in and makes it so.

Secretary, 12.

The act of June 10, 1896, provides:

".....That the rolls of citizenship of the several tribes as now existing are hereby confirmed....."

The act of June 7, 1897, says that this

".....shall be construed to mean the last authenticated rolls of each tribe which have been approved by the Council of the Nation....."

And it expressly states that it shall also mean such additional names and their descendants as have been subsequently added either by the Council of such Nation, the duly authorized courts thereof or the Commission under the act of June 10, 1896. Only those "Added" are included or in any way confirmed. All others must stand the test of entirely new proceedings.

The act of June 22, 1898, goes farther. The direction to

".....eliminate from the tribal rolls such names as may have been placed thereon by fraud or without authority of law....."

gives a jurisdiction to the Commission far wider than that previously and temporarily extended to the Commission and the United States Court in Indian Territory. It relates to all the rolls, without lim-

Secretary, 13.

itation, of the Cheater and Chickasaw Nations. The courts have since purged their former decisions of the names of numbers of persons "Added" by being fraudulently and notoriously interpolated in such decisions, all of whom were "Construed to mean" a part of the rolls under the act of June 7, 1897.

The act of May 31, 1900, goes still further. It forbids the Commission to even receive the application of anyone not already "Admitted." No mere right to admission will suffice; an applicant must have been a "Recognized citizen" and duly and lawfully enrolled or admitted "As such"; and, as is well settled, the exercise of this judicial discretion is vested alone in the Commission and the Secretary of the Interior.

By a series of new legislation the Commission is clothed with new and constantly broadened judicial power, and the approval of the Commission's exercise of that power is placed in the Secretary of the Interior. In performing these functions it seems clear that the Commission and the Secretary of the Interior are in as wise under bondage to the doctrine arising from an extinct power of the United States Court in Indian Territory. No comparison or relationship can justly be made or established between the new and the old.

Secretary, 14.

In the case under consideration the applicant is chief, Matt Davis, without any prior adjudication of his rights to citizenship in the Choctaw Nation, presents himself for enrollment as an intermarried citizen of the Choctaw Nation, under the act of Congress of June 25, 1898, above referred to; and, in the determination of his right to enrollment the Commission must confine itself to investigation as to whether he is entitled to Choctaw citizenship

"...under the treaties and the laws of said tribes."

Article thirty-eight of the Treaty of 1866 between the United States and the Choctaw and Chickasaw Nations defines the right of white persons marrying into the nations. No attempt whatever was made to restrict this right of citizenship until November 9, 1898, when the Choctaw National Council passed a law defining a method of legal marriage in the Choctaw Nation of non-citizen white men and Choctaw women, and also providing a forfeiture of the intermarried rights of non-citizens should they after the death of their Choctaw husbands or wives marry non-citizen white persons.

It cannot be contended with reason that after the adoption of the Treaty of 1866 it would be impossible for the Choctaw

Secretary, 16.

Nation to repeal by and with the consent of the United States the intermarriage article of that treaty, or to enact any other provision in lieu thereof, and that such new treaty provision would undoubtedly be effective, except as to those whose rights may have accrued under the provisions of article thirty-eight of the Treaty of 1866.

Article seven of the Treaty of 1865 between the United States and the Choctaw Nation provides as follows:

"So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and the Chickasaws shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits."

Article seven of the Treaty of 1866 between the United States and the Choctaw and Chickasaw Nations further provides:

"The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of persons and property within the Indian Territory. Provided, however, such legislation shall not in anywise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw Nations respectively."

Secretary, 16.

Article ten of the treaty of 1866 provides:

"The United States re-affirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion, and in force at that time, not inconsistent herewith;....."

Article thirty-eight of the Treaty of 1866 provides:

"Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authority, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw or Chickasaw."

By these various Treaty stipulations the United States Government gave to the Choctaw Nation in the determination of the rights of citizenship in such Nation the unrestricted right of self-government.

The act of the Choctaw National Council of November 9, 1875, was approved less than ten years after the ratification of the Treaty of 1866.

Secretary, 17.

Davis married his Cheetaw wife with a full knowledge of this law and complied with certain of its provisions by obtaining the license required, and thereby brings himself within the purview of that act. Any rights that he might have acquired as a citizen of the Cheetaw Nation by his marriage, in accordance with the act of November 9, 1875, were subjected to the other sections of that act. He lived with his Cheetaw wife until her death, and thereafter deliberately violated the spirit, intent and purpose of the very act under which he acquired his citizenship, by his marriage to a non-citizen white woman.

I am of the opinion that under the treaty stipulations previously quoted, the Cheetaw Nation was vested with full authority to define the status of white persons marrying citizens by blood of the Nation, and that the act of the National Council of November 9, 1875, is not in violation of the thirty-eighth article of the treaty of 1866, but was a just limitation placed by the Cheetaw Nation upon the rights to be acquired by white persons subsequently marrying citizens of that tribe.

I do not believe that Davis ".....under the treaties and the laws of said tribe....." is entitled to be en-

Secretary, 18.

rolled as a citizen by intermarriage of the Choctaw Nation.

The twenty-first section of the act of Congress of June 23, 1898, fully empowers the Commission to enroll as citizens of the Choctaw Nation

"...citizens by blood.....with such inter-married white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The minor children of the applicant in chief are by the evidence submitted shown to be the offspring of white persons, making no claim to Choctaw Indian blood. By the provisions of the act of Congress of June 23, 1898, the authority of the Commission to enroll is restricted to those who are of Choctaw Indian descent and intermarried white persons. These minor applicants are neither.

The instructions of the Congress of the United States as defined in the act of June 23, 1898, are explicit and imperative, and the Commission is therefore without jurisdiction to enroll these minor children of two white parents, as, in my opinion, the applicant in chief has forfeited his rights as an intermarried citizen of the Choctaw Nation by his subsequent marriage to a non-citizen white

Secretary, 19.

woman, and has also relinquished any right to in any manner restore citizenship in this tribe.

In resubmitting this case with the decision of the Commission of April 9, 1902, I am firmly of the opinion that the action of the Commission in refusing the application made by Matt Davis for the enrollment of himself as an intermarried citizen of the Chester Nation, and for the enrollment of his wife, Annie Davis, and their minor children, Elsie Davis, Edna Davis, Oscar Davis and Annie Davis as citizens of the Chester Nation, should be affirmed.

The original record with the decision of the Commission of April 9, 1902, in this case, is returned herewith.

Respectfully,

SIGNED:

Tamm Bixby

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enclosure.

---COPY---

Land 49336-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

August 25, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith two separate reports, one made by Commissioners Needles and Breckinridge, of the Commission to the Five Civilized Tribes, and one made by Tams Bixby, Acting Chairman thereof, relative to the matter of the application of Matt Davis for the enrollment of himself, his wife, Annie Davis, and their minor children, Minnie, Hodge, Escar and Annie Davis as Choctaw citizens.

The reports were made in compliance with the request of the Department of May 23, 1902 (ITD-5132.)

Very respectfully,

A. G. Tanner,

Acting Commissioner.

WCV
D

4 Inclosures.

DEPARTMENT OF THE INTERIOR

Washington.

J P
W H R.

I.T.D. 5132,
5308-1902.
5493-

LRS

October 23, 1902.

The Commission
to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department acknowledges receipt of reports of July 26, 1902, of Commissioners Breckinridge and Needles, and of Commissioner Bixby, of August 12, 1902, in regard to the Choctaw enrollment case (R 354) of Matt Davis, for himself and wife, Annie, as intermarried citizens, and for their children, Minnie, Hodge, Escar and Annie Davis.

When this case was originally presented to the Department by the Indian Office, May 14, 1902, it was recommended that your decision of April 8, 1902, adverse to the claimants (except said wife) should be reversed.

It appears that in 1887, Davis, a white man, married Minervy Davis, a recognized citizen of the Choctaw Nation, in accordance with Choctaw laws; that this wife died in 1880, leaving no issue; that in that year Davis married his present wife, Annie Adkins, a white woman, in accordance with the laws of Texas. The other applicants (said children) are the issue of this last marriage.

The Indian Office referring to the decision of the United States Court, Central District, Indian Territory, in the case of Robinson vs. The Choctaw Nation (See your 8th Annual Report, Page 126), in which it was held that when

White men who have married Choctaws in accordance with their statutes, and the wife dies and the widower afterwards married a white woman, are, with the children by such marriage, entitled to enrollment, but do not, in case of their death, confer on the white wife citizenship to such an extent that she may confer it on a second white husband and the children by such marriage,

held that Davis, when he married his Choctaw wife, became an Indian to the extent of being entitled to share in the property of the Choctaw Nation; that his subsequent marriage to a white woman in accordance with the laws of Texas, did not divest him of this right; that this latter marriage did not confer the right of citizenship upon his wife; that, however, the offspring of that marriage followed the status of the father and are entitled to be enrolled with him.

May 23, 1902, the Department resubmitted the case to your Commission for further expression of opinion.

Both your reports of July 26, 1902, and August 12, 1902, contend, at length, that your decision of April 9, 1902, should be affirmed; that your Commission and the Department are "in no wise under bondage to the doctrines arising from an extinct power of the United States Court in Indian Territory," and you give your reasons for considering the decision of the Court above mentioned erroneous.

As the citizenship court provided for in the Choctaw and Chickasaw agreement, Act of July 1, 1902 (32 Stats., 641), has jurisdiction to determine the rights of the plaintiff in the case of Robinson vs. The Choctaw Nation, and the rights of all other persons claiming under similar decisions of the United States court, and as necessarily the Department's action on the present case would depend, to a great extent, upon the action of that court in such cases, it is considered advisable to remand the case to be readjudicated by you in due time in the light of any action of the court as stated.

The papers received with your letter of April 9, 1902, are therefore herewith inclosed.

A copy of the Acting Commissioner of Indian Affairs's letter of August 25, 1902, submitting the reports of July 26th and August 12th, is also inclosed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

2 Inclosures.

RMD

Choctaw R 354.

Muskogee, Indian Territory, March 19, 1903.

W. D. Horton,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 20, 1902, stating that you have been advised that the case of Mat Davis, an applicant for enrollment as an intermarried Choctaw, would be transferred to the Choctaw-Chickasaw Citizenship Court, and expressing your desire to take such steps as are necessary to place the matter before this tribunal.

In reply to your letter you are informed that the record in the application of Matt Davis for enrollment as an intermarried citizen of the Choctaw Nation, theretofore forwarded the Department for review, was returned to the Commission on October 23, 1902, by the Secretary of the Interior, with instructions that the same be held pending the action of the Choctaw-Chickasaw Citizenship Court, created under the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, on similar questions.

Respectfully,

Chairman.

Choctaw R 354

Muskogee, Indian Territory, March 19, 1904.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 15, inquiring the status of the case of Matt M. Davis, Choctaw R 354.

In reply to your letter you are advised that the case of Matt Davis, an applicant for the enrollment of himself and family as citizens of the Choctaw Nation, has not yet been finally passed upon. As soon as further action is taken therein the applicant will be duly notified.

Respectfully,

Commissioner in Charge.

Chapter D-558,
B-584,
B-722.

Waskogee, Indian Territory, July 8, 1904.

L. D. Horton,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 3, asking that the Commission take up for determination the cases of Nancy G. Payton, Matt Davis et al., and Francis Smith.

In reply to your letter, you are informed that the Commission will, as early as practicable, take up the applications above referred to for consideration and determination, and as soon as decisions are reached therein, applicants will be notified of the action taken.

Respectfully,

Commissioner in Charge.

Choctaw R 354

Maskogee, Indian Territory, August 19, 1904.

M. M. Davis,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 15, giving information relative to your identity, and asking that the land described in your letter of July 22, namely: SW4 of SW4 of Section 19 T 6 S R 10 E be reserved for you until your citizenship is determined.

In reply to your letter you are advised that the Commission has not yet been advised of Departmental action on the application of Matt Davis for the enrollment of himself and his family as citizens of the Choctaw Nation, but a proper notation has been made upon our records of your claim to the land above described, and in the event any other person sets the same in allotment you will be notified and will be permitted to make formal application therefor for the purpose of instituting contest, within nine months from the date of the original selection.

Respectfully,

Chairman.

Choctaw R 354

Muskogee, Indian Territory, August 19, 1904.

Commissioner in charge,

Choctaw Land Office,

Atoka, Indian Territory,

Dear Sir:

You are requested to make proper notation upon the records of your office of the claim of Matt or M. M. Davis, of Durant, Indian Territory, whose name appears upon Choctaw card R 354 and whose case is still pending before the Commission, to the SW4 of the SW4 of Section 19 T 6 S R 10 E, Choctaw Nation, Indian Territory. Mr. Davis has been advised from this office that such notation had been made.

Respectfully,

Chairman.

11

Muskogee, Indian Territory, September 19, 1904.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 12th inst., in reference to the application of Matt M. Davis, et al, for enrollment as citizens of the Choctaw Nation. You request that you be furnished with a copy of the decision of the Commission when the same is rendered in this case, as you desire to file brief and argument with the Secretary of the Interior in the event that the application of Davis is rejected.

In reply to your letter you are informed that on October 23, 1902, the Secretary of the Interior returned to the Commission the record in the matter of the application of Matt Davis, et al, for enrollment as citizens of the Choctaw Nation, with direction that the case be re-adjudicated in due time in the light of any action taken by the Choctaw and Chickasaw Citizenship Court upon the question of the forfeiture of citizenship by intermarried white persons, and the conferring of citizenship in the Choctaw Nation by intermarried male citizens upon white wives and the children of such marriages. On January 23, 1904, the attorneys for the Choctaw and Chickasaw Nations filed in this case a request that final action be

L.D.H. 2.

the matter of the application of Matt Davis and his wife and minor children, for enrollment as citizens of the Choctaw Nation, be suspended until the Choctaw and Chickasaw Citizenship Court decides the case of Joanna Mickie, et al, against the Choctaw and Chickasaw Nations, No.37 on the South McAlester docket of said court.

You are further advised that the Commission has not up to this time had certified to it, nor have we been advised of the rendition of, any decree in the case of Joanna Mickie vs. the Choctaw and Chickasaw Nations, pending before the Choctaw and Chickasaw Citizenship Court. When this question is disposed of by the Citizenship Court the Commission will readjudicate the original decision rendered in the case of Matt Davis, et al, in accordance with the findings of the Citizenship Court.

You will be duly advised of any further action taken by the Commission in reference to this matter.

Respectfully,

Chairman.

Choctaw R 354

Muskogee, Indian Territory, October 14, 1904.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 11, asking the status of the claim of M. M. Davis, Choctaw R 354.

In reply to your letter you are advised that the application of Matt Davis for enrollment of himself as an intermarried citizen of the Choctaw Nation and for the enrollment of his wife and children as citizens of the Choctaw Nation is now pending before the Commission, under Departmental direction, awaiting the action of the Choctaw and Chickasaw Citizenship Court as to the question of the right to enrollment of the white wife and children of Matt Davis.

When a decision is reached in this case you and the applicants will be notified of the action taken.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, December 9, 1904.

L. D. Horton,

Attorney at Law.

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 5, 1904, in which you state that the Choctaw and Chickasaw Citizenship Court having decided the case of Joanna Mickle adversely to the claimants you concede that the white wife and children of Mat Davis who are applicants for enrollment before the Commission are not entitled and you now ask that the principle claimant Mat M. Davis be enrolled as soon as this case is reached.

In reply to your letter you are informed that the Choctaw-Chickasaw Citizenship Court has not yet certified to the Commission its decree in the case of Joanna Mickle et al versus the Choctaw and Chickasaw Nations.

You are further informed that the Commission cannot permit the withdrawal for the enrollment of the white wife and children of Mat Davis upon a mere request from you.

If it is desired that this application be formally withdrawn it will be necessary that the applicants make a written re-

L. D. H. # 3

quest to this effect in which case the matter will receive consideration.

Respectfully,



Chairman.

7-R-554

Muskogee, Indian Territory, December 10, 1904.

L. D. Horton,

Attorney at Law.

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 5, 1904, in which you state that the Choctaw and Chickasaw Citizenship Court having decided the case of Joanna Mickle adversely to the claimants you concede that the white wife and children of Mat Davis who are applicants for enrollment before the Commission are not entitled and you now ask that the principle claimant Mat Davis be enrolled as soon as this case is reached.

In reply to your letter you are informed that the Choctaw-Chickasaw Citizenship Court has not yet certified to the Commission its decree in the case of Joanna Mickle et al versus the Choctaw and Chickasaw Nations.

You are further informed that the Commission cannot permit the withdrawal of the application for the enrollment of the white wife and children of Mat Davis upon a mere request from you.

If it is desired that this application be formally withdrawn it will be necessary that the applicants make a written re-

L. D. H. Jr

quest to this effect in which case the matter will receive con-
sideration.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 6, 1905.

Chester Howe,

Attorney at Law.

625 F. Street, N. W.

Washington, D. C.

Dear Sir:

Your letter of December 22, 1904 addressed to the Secretary of the Interior has been by him referred to the Commission for consideration and appropriate action. Therein you ask the action taken in the applications of Mat Davis, et al., for enrollment as citizens of the Choctaw Nation.

In reply to your letter you are informed that the Commission heretofore rendered its decision upon the application of Matt Davis for enrollment of himself, his wife and his children as citizens of the Choctaw Nation, but the case was remanded by the Department for reconsideration in view of such action as might be taken by the Choctaw and Chickasaw Citizenship Court on the questions involved and the record has not yet been returned to the Department.

Respectfully,

Chairman.

7-R-354

Muskogee, Indian Territory, January 9, 1905.

L.D. Horton,

Attorney at Law.

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 3, 1905, asking for early action in the Choctaw enrollment case of Matt Davis.

In reply to your letter you are informed that a decision has heretofore been rendered in this case by the Commission and the record forwarded to the Department but the same was remanded to be rejudicated by the Commission in view of such action as might be taken in the Choctaw and Chickasaw Citizenship Court case in the questions involved.

The record has not yet been returned to the Department but as soon as any action is taken you will be notified.

Respectfully,

Chairman.

Chectaw R 384

Muskogee, Indian Territory, January 10, 1905.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that you will be allowed ten days from this date within which to introduce testimony to establish the Chectaw citizenship of Minerva Davis, the wife of Matt Davis through whom he claims his right to enrollment as a citizen by intermarriage of the Chectaw nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 15, 1905.

L. D. Horton,

Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 3, 1905, relative to the application of M. M. Davis for enrollment as an intermarried citizen of the Choctaw Nation, asking that he be enrolled.

In reply to your letter you are informed that when further action is taken in the matter of the application of Mat Davis for enrollment as an intermarried citizen of the Choctaw Nation you will be duly advised.

The communication of Mat Davis of April 1, 1905, enclosed with your letter is herewith returned.

Respectfully,

EB 1-15

Chairman.

Muskogee, Indian Territory, July 1, 1905.

L. D. Horton,

Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 27, 1905, asking if the case of Mat M. Davis has been forwarded the Secretary of the Interior.

In reply to your letter you are advised that no further action has been taken in the matter of the application of Matt Davis for enrollment as an intermarried citizen of the Choctaw Nation, but you will be advised of such further action as may be taken in this case.

The matter of the enrollment of Francis Smith will be made the subject of a separate communication.

Respectfully,

Commissioner.

7-354

Muskogee, Indian Territory, August 5, 1905.

L. D. Horton,

Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 2, 1905, asking the status of the application of Mat Davis and his wife and children for enrollment as citizens of the Choctaw Nation.

In reply to your letter you are advised that no further action has been taken in the matter of the application of Mat Davis for the enrollment of himself and his children as citizens of the Choctaw Nation.

The communication of that date inclosed with your letter is herewith returned.

Respectfully,

EB 4-5

Commissioner.

7-R-384

Muskogee, Indian Territory, January 24, 1906.

L. D. Horton,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 13, 1906, in which you state you presume there will now be no further delay in the enrollment case of Matt M. Davis et al as they clearly come within the ruling promulgated by the Department December 8, 1905.

In reply to your letter you are advised that if it is desired to present a claim for the enrollment of Matt M. Davis and his children under the ruling of the Department in the Mary Elizabeth Martin case there is inclosed herewith for your information circular showing the procedure to be followed in the presentation of cases of this character and copy of the opinions of the Assistant Attorney General in the enrollment case of Mary Elizabeth Martin has heretofore been furnished you.

Respectfully,

Acting Commissioner.

M. H. M.

7-R-354

Muskogee, Indian Territory, March 8, 1906.

I. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 27, 1906, in which you ask if it will be necessary to furnish further proof in the matter of the enrollment of Matt N. Davis and his family as citizens of the Choctaw Nation.

In reply to your letter you are advised that as you have heretofore been informed the record in the matter of the application for the enrollment of Matt N. Davis as an intermarried citizen of the Choctaw Nation does not clearly establish that the wife through whom he claims his right is a citizen by blood of the Choctaw Nation, and you have been requested to furnish proof that she was a citizen by blood instead of a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-K-354

Muskegee, Indian Territory, July 24, 1906.

Thos. Norman,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 9, 1906, in which you ask that action on the application of Mat M. Davis for enrollment as an intermarried citizen of the Choctaw Nation be suspended until the opinion of the Attorney General in the Mary Elizabeth Martin case, which is now before him for rehearing, shall be announced in order that, if his decision is favorable to white children, you may introduce testimony in support of the application of the father and children at one hearing.

In reply you are advised that your request has been made a matter of record, and in compliance with your request no action will be taken in this case within the next thirty or sixty days.

Respectfully,

Commissioner.

7-R-354

Muskegee, Indian Territory, January 24, 1907.

Jessie Brannan, .

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of
Mat M. Davis and Fred R. Robison in the matter of the application
of Mat M. Davis for enrollment as a citizen by intermarriage of
the Choctaw Nation and the same have been filed with the record in
this case.

Respectfully,

Commissioner.

6-2-129
7-2-254

Washago, Indian Territory, May 2, 1907.

J. O. Pool,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 24, 1907, in which you state you have received notice of the decision of the Commissioner to the Five Civilized Tribes rejecting the application for the enrollment of Decias Compton and Est Davis but you have not received any notice relative to the enrollment or rejection of the children of these persons; you also ask relative to the enrollment of a McGlish child of Decias Compton.

In reply to your letter you are advised that on February 15, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Matt Davis, Annie Davis, Minnie Davis, Hodge Davis, Oscar Davis and Annie Davis as citizens of the Choctaw Nation and on March 2, 1907 this action was approved by the Secretary of the Interior.

You are further advised that on February 21, 1907, the Commissioner to the Five Civilized Tribes refused the application for the enrollment of Dorcas Compton and her child Clarence C. McGlish as citizens by blood of the Chickasaw Nation, and on March

J. O. P. #2.

4, 1907, this action was approved by the Secretary of the Interior. These cases are therefore considered closed.

Respectfully,

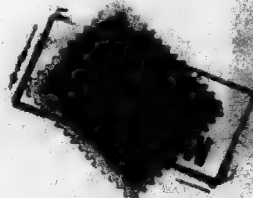
Acting Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

23712



3/20/07

294

RETURN TO
Watt Davis, WHITE
Durant, Indian Territory.

4211

719-354
2nd notice

3/20/07

Empty

Choc. R. 356
Isaac Morgan

R. 356

CHOCTAW

R-358

Isaac Morgan

See Act. #W-127-191-192

REFUSED.

MAY 19-1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

COPY OF DECISION FORWARDED
APPLICANT

MAY 19-1902

RECORD FORWARDED DEPARTMENT.

MAY 19-1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. July 19-1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

July 1-1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

Petitions denied by Dept Jan 31-07

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

May 6-1907

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to the Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

McKenna

Commission to the Five Civilized Tribes.

Undec, I.T. Aug. 24, 1899.

In the application of Isaac Morgan for enrollment as a Choctaw; being sworn and examined by Com'r McKenna he testifies:

- Q What is your name? A Isaac Morgan.
- Q How old are you? A Fifty-five.
- Q You claim Choctaw? A Yes sir.
- Q Are you on any of the rolls of the Choctaw Nation? A No sir.
- Q Have you ever been? A No sir.
- Q Have your parents ever been, in the Choctaw Nation here?
- A My grandfather is.
- Q In the Choctaw Nation here? A Yes sir.
- Q What do you know about him of your own knowledge? A Nothing; I never saw him in my life; I know just what my mother says.
- Q Where is she? A She is dead.
- Q How long has he been dead? A I don't know sir.
- Q How long has your mother been dead? A About ten years.
- Q Your mother was a colored woman? A Yes sir.
- Q She was a slave was she? A She was a half-breed.
- Q Her mother was a slave? A Yes sir.
- Q And your mother was a slave? A Yes sir.
- Q And your mother belonged to old man Pitchlynn? A Yes sir, she and my grandmother too.
- Q Which Pitchlynn was that? A William Pitchlynn.
- Q Where did he live? A In Mississippi, at Catalpa.
- Q Where do you live now? A I am living down in here at Arthur, Texas.
- Q How long have you been living there; - all your life? A No sir, I come from Mississippi there.
- Q When? A I was about 17 when I come there.
- Q And have lived there ever since? A Yes sir.
- Com'r McKenna: Your enrollment is refused.

FVK

7-R-356.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaac Morgan
for the enrollment of himself as a citizen of the Choctaw Nation.

---- : D E C I S I O N : ----

It appears from the record in this case that the applicant, Isaac Morgan, appeared before the Commission at Caddo, Indian Territory, on the 24th day of August, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the

Cheotaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to citizenship in the Cheotaw Nation by the legally constituted authorities of said nation.

It appears from the evidence submitted, that the applicant, Isaac Morgan, is living in the state of Texas at the date of this application, and has been so residing since he was seventeen years of age.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that the applicant Isaac Morgan, has never been admitted to citizenship in the Cheotaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

Neither does it appear that the applicant, Isaac Morgan, has ever been married in accordance with the tribal laws of the Cheotaw Nation to a duly recognized and enrolled citizen of said nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Cheotaw under the provisions of section twenty-one of the act of Congress of June 28, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Cheotaw Indians claiming rights in the Cheotaw lands under article fourteen of the treaty between the United States and the Cheotaw Nation, concluded, September, twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicant was on February 20, 1902, notified by registered mail that he would be allowed thirty days from the date thereof

within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto, and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 25, 1898, (30 Stats., 495), in a portion of section twenty-one thereof, provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokees), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and thier descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

and also the following:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship".

The act of Congress of May 31, 1900, (31 Stats., 281), in a portion of the second paragraph thereof, provides as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission that Isaac Morgan, is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and

that his application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

7 2 100

COPY.

Muskogee, Indian Territory, May 19, 1908.

Isaac Morgan,

Arthur, Texas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamara P. Davis

Acting Chairman

1 inclosure.
Registered.

COPY

Mustang, Indian Territory, May 12, 1906.

Manfield, McMurray & Cornish,

Attorneys for the Cheate and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Isaac Morgan as a citizen of the Cheate Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tam. D. Orr.

1 enclosure.

Acting Chairman.

COPY.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Isaac Morgan for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902 refusing the application for the enrollment of Isaac Morgan as a citizen of said nation.

Yours truly,

James D. Kirby

1 enclosure.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

COPY.

Land.
30960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington, June 12, 1902.

The Honorable,
The Secretary of the Interior,

Sir:

I have the honor to transmit, herewith, the record of proceedings in the matter of the application of Isaac Morgan for enrollment as a Choctaw citizen. The Commission refused to enroll him.

The applicant is a non-resident of the Indian Territory. He has never been enrolled or recognized as a Choctaw and is therefore not entitled to enrollment.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant.

A. C. TOWNER,

Acting Commissioner.

E. B. S.
L.

COPY.

D.C. 10532-1902.

7.

Department of the Interior.

I.T.D. 3715-1902.

L.R.S.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,

Muskegee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Isaac Morgan as a citizen of the Choctaw Nation. You refused the application because applicant had never been enrolled or admitted as a Choctaw citizen, and does not reside in Indian Territory. A copy of the Acting Commissioner's letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Chester P-324.

Muskogee, Indian Territory, July 1, 1902.

Isaac Morgan,
Arthur, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chester Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Choctaw R-355.

COPY.

Waukegee, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Isaac Morgan for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

In the matter of the application
of Issac Morgan et al for enroll-
ment as a citizen of the Choctaw
Nation by blood.

Petition.

Before the Hon. Commission
to the five Civilized Tribes.
Muskogee, Ind. Ter.

Your petitioner herein, and on behalf of myself and children
Ike, Joanna, Estelle, Davie and Leslie Morgan.

Move that the Honorable Commission to the Five Civilized Tribes
to grant us a new hearing.

My roll number being 7-4356. That we appeared before the Com-
mission the 2nd. day of May 1902. And the Commission to the five
Civilized Tribes refused our enrollment, and the Secretary of the
Interior approved the action of the Commission on June 9th. 1902.
And now under the oppinion of the Assistant Attorney General for the
Department of the Interior rendered Nov. 11. 1905. In the case of
Joe and Dillard Perry which is applicable in our case.

My fathers name was Jim Pichlynn a slave of Peter P. Pichlynn,
and my mother was a full blood Choctaw Indian woman by the name of
Emiline Gordon.

And if allowed a new hearing I will be able to prove by Robert
Troup who knew my mother and father, and I will be able to prove by
Tom Troup and Will Troup who is aquainted with my mother, and knew
her nationalit;.

I am not making this application for the purpose of delay but
justice might be had. Very respectfully submitted.

Witnesses:

Issac (his x mark) Morgan.

W. J. Billy
Richard Byington
Robert Troup
Will Troup
Tom Troup

NOTARY PUBLIC
JAN 15 1906
COMMISSION EXPIRES 5TH JAN 1909
DEPARTMENT OF THE INTERIOR

Subscribed and sworn to before me this 15th day of Feb. 1906.

(Signed) J. H. Cassart,

(SEAL)

Notary Public.

My commission expires 5th day Jan. 1909.

(Registry Receipt Attached.)

C. R. W.

DEPARTMENT OF THE INTERIOR, LLB

D. C. 6300-1907.
I. T. D. 3715-1902.
1466-1907.

WASHINGTON.

January 30, 1907.

L. R. S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On January 21, 1907, the Indian Office transmitted the motion for rehearing in the matter of the application of Isaac Morgan for the enrollment of himself and his five minor children, Ike, Joanna, Estelle, Davie, and Leslie Morgan, as citizens by blood of the Choctaw Nation.

It appears that on June 19, 1902, the Department affirmed the decision of the Commission to the five Civilized Tribes, adverse to said Isaac Morgan.

The motion now before the Department presents no new matter of law or fact not shown to have been passed upon by the Department. Said motion is accordingly denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

5 inc. to Ind. Of.

LAND:
2555-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

--Copy--

7-R-356

January 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated January 4, 1907, transmitting a motion for rehearing in the matter of the application of Isaac Morgan for the enrollment of himself and his five minor children as citizens by blood of the Choctaw Nation.

On May 19, 1902, the Commissioner denied the application of the above persons, and on June 19, 1902, his decision was affirmed by the Department.

The record in the case is enclosed herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH.

7-R-356

Muskogee, Indian Territory, February 8, 1907.

Isaac Morgan,

Arthur, Texas.

Dear Sir:

You are hereby notified that on January 21, 1907, the Secretary of the Interior denied the motion for rehearing in the matter of your enrollment as a citizen of the Choctaw Nation,

Respectfully,

Commissioner.

7-R-356

Muskogee, Indian Territory, February 8, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on January 21, 1907,
the Secretary of the Interior denied the motion for rehear-
ing in the matter of the enrollment of Isaac Morgan as a
citizen of the Choctaw Nation.

Respectfully,

Commissioner.

KHN

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

D.C. 7728-1907.
I.T.D. 1348-1907.

January 31, 1907.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to your report under date of January 4, 1907, forwarding, without recommendation, petitions filed March 3, 1906, praying for a rehearing in the matter of the identification of Emma Whitfield et al. as Mississippi Choctaws, it appears that the petitioners pray that the application be changed to that of citizens by blood of the Choctaw Nation and that it be consolidated with the application of Isaac Morgan et al., and that the same proof be submitted in the case of Emma Whitfield et al. as is submitted in the case of Isaac Morgan et al., on the ground that Isaac Morgan is the father of the principal applicant herein. Said petition includes the names of Adanta Whitfield, Rena Whitfield, Estelle Garland, Roosevelt Garland, Mary Garland, Frances Harris, Melanarie Morgan, Priscas Black, and Charles Morgan, for whom no application has heretofore been made, either for enrollment as citizens of the Choctaw Nation or for identification as Mississippi Choctaws.

The records show that on July 21, 1902, the Commission to

the Five Civilized Tribes refused the applications for the identification of Emma Whitfield et al. as Mississippi Choctaws under the provisions of article 14 of the treaty of 1830, and on October 9, 1902 (I.T.D. 6030), its decision was approved by the Department, in which decision it was held in part as follows:

"The record fails to show that anyone of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Ike or Isaac Morgan, or any of these applicants, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the statutes of March 3, 1837 (5 Stat. L., 180-) and August 23, 1842 (5 Stat. L., 513)."

In transmitting the decision of the Commission to the Five Civilized Tribes denying the enrollment of Isaac Morgan in the matter of his application for enrollment as a Choctaw citizen, the Indian Office on June 12, 1902, held that "the applicant is a nonresident of the Indian Territory who has never been enrolled or recognized as a Choctaw, and is therefore not entitled to enrollment."

The Indian Office was of the opinion that the petition of Emma Whitfield et al. was without merit and recommended that it be denied, and in this opinion the Department concurred, and the enrollment of the above-named applicants is denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

Through the Commissioner of Indian Affairs, First Assistant Secretary.
Affairs. & Inclosures to Ind. Of.

931/333

(COPY)

LAND
2558-1907
60201-1902

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 18, 1907.

The honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report of Commissioner Bixby, dated January 4, 1907, forwarding, without recommendation, petitions filed in his office March 3, 1906, praying for a rehearing in the matter of the identification of Emma Whitfield, et al., as Mississippi Choctaws.

The petitioners pray that the application be changed to that of citizens by blood of the Choctaw Nation and that it be consolidated with the application of Isaac Morgan et al., and that the same proof that may be submitted in the Isaac Morgan case be applied to the application of Emma Whitfield, et al. The request for the consolidation is made because Isaac Morgan is the father of the principal applicant herein.

The petition transmitted herewith includes the names of Adanta Whitfield, Rena Whitfield, Estelle Garland, Roosevelt Garland, Mary Garland, Frances Harris, Melamaria Morgan, Briscoe Black and Charles Morgan, for whom no application has ever heretofore been made, either for enrollment as citizens of the Choctaw

Nation or for identification as Mississippi Choctaws.

The records show that on July 21, 1902, the Commission to the Five Civilized Tribes refused the applications for the identification of Emma Whitfield, et al., as Mississippi Choctaws, under the provisions of article 14 of the treaty of 1830, and on October 9, 1902 (I.T.D. 6030-1902), the decision of the Commission was approved by the Department.

In the decision of the Department of October 9, 1902, it was held:

The record fails to show that anyone of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Ike or Isaac Morgan, or any of these applicants, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the statutes of March 3, 1837 (5 Stat. L., 180) and August 23, 1842 (5 Stat.L., 513).

In transmitting the decision of the Commission to the Five Civilized Tribes denying the enrollment of Isaac Morgan in the matter of his application for enrollment as a Choctaw citizen, this Office, on June 12, 1902, held:

The applicant is a non-resident of the Indian Territory who has never been enrolled or recognized as a Choctaw, and is therefore not entitled to enrollment.

The Office is of the opinion that the petitions of Emma Whitfield, et al., are without merit, and it is recommended that they be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

ERM-EH

W-127

Muskegee, Indian Territory, May 6, 1907.

Emma Whitfield,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on January 31, 1907, the Secretary of the Interior denied the petitions filed March 3, 1906, praying for a rehearing in the matter of the identification of Emma Whitfield et al., as Mississippi Choctaws and that the application be changed to that of citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner.

W-19

Muskogee, Indian Territory, May 6, 1907.

Mary Black,

Caddo, Indian Territory,

Dear Madam:

You are hereby advised that on January 31, 1907, the Secretary of the Interior denied the petition filed March 3, 1906, praying for a rehearing in the matter of the identification of Emma Whitfield et al., as Mississippi Choctaws, and that the application be changed to that of citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner.

T-R-356
W-127-191 & 192.

Muskogee, Indian Territory, May 6, 1907.

Isaac Morgan,

Caddo, Indian Territory.

Dear Sir:

You are hereby advised that on January 31, 1907, the Secretary of the Interior denied the petition filed March 3, 1906, praying for a rehearing in the matter of the identification of Emma Whitfield et al., as Mississippi Choctaws, also that the application be changed to that of citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-356
W-127;191 & 192.

Muskogee, Indian Territory, May 6, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,,
South McAlester, Indian Territory.

Gentlemen: *

You are hereby advised that on January 31, 1907, the Secretary of the Interior denied the petitions filed March 3, 1905, praying for a rehearing in the matter of the identification of ~~Muma~~ Whitfield et al., as Mississippi Choctaws, and that the application be changed to that of citizens by blood of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of January 31, 1907, above referred to.

Respectfully,

LM 2/6.

Commissioner.

Muskogee, Indian Territory, May 26, 1906.

Mr. Chester Howe,

623 F Street, N.W.,

Washington, D.C.,

Dear Sir:

The Commission is in receipt of the petition and affidavits in the case of Isaac Morgan, et al. vs. the Choctaw Nation, forwarded to the Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission.

The same are herewith returned to you, for the reason that the Commission cannot accept applications covering more than one family with their minor children, and for the further reason that there is no record of any of the parties interested in said case ever having appeared as applicants for identification as Mississippi Choctaws. The Commission cannot accept applications for identification as Mississippi Choctaws except upon the personal appearance of the applicants, when the party may, under oath, give sufficient testimony upon which the Commission can base a decision, and also for forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent to him for review. The petitioners may appear at this office if they desire. The Commission, however, will be at Atoka from June 4th to 8th, and at Colbert from June 11th to 15th.

G.H. 2.

1900, inclusive, for the purpose of hearing applicants for enrollment in the Choctaw and Chickasaw Nations, and applications for identification as Mississippi Choctaws. Upon such personal appearance, the petitioners will be allowed to submit any additional written affidavits or testimony they may desire, covering only one family. You will please so notify the interested parties in said cases.

Yours truly,

Leslie Chalmers.

45
25
10

Muskogee, Indian Territory, September 7, 1901.

Mr. J. E. Arnold,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, requesting that you be furnished with a copy of the statement made by Isaac Morgan at the time he appeared before the Commission for identification. You state that Mr. Morgan informed you that he appeared before the Commission at Durant and Caddo in 1899 and at Colbert in 1900.

There is enclosed you herewith a copy of the testimony given by Isaac Morgan in support of his application for enrollment as a Choctaw at Caddo, Indian Territory, August 24, 1899. There are no papers filed in this case indicating that this applicant ever appeared before the Commission at any other time.

Yours truly,

V-R 306

Commissioner in Charge.

mem
27

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W-00

REFER IN REPLY TO THE FOLLOWING

Choctaw R-356

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20, 1902.

In the matter of the application)
of Isaac Morgan for the enroll-)
ment of himself and his five)
children: Ike Morgan, Joanna)
Morgan, Estelle Morgan, Davie)
Morgan and Leslie Morgan, as citi-)
zens by blood of the Choctaw)
Nation.)

To Isaac Morgan,

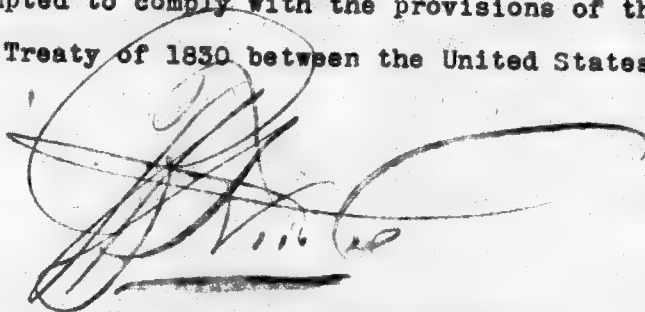
Arthur, Texas.

You are hereby notified that you and your children will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your children are entitled to be identified as Mississippi Choctaws, under the Act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

I. M., 2.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your children are descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the document.

Commissioner in Charge.

Register.

Muskogee, Indian Territory, February 20, 1902.

In the matter of the application
of John Morgan, for the enroll-
ment of himself and two children:
Blaine Morgan and Ike Morgan, Jr.,
as citizens by blood of the
Choctaw Nation.

To John Morgan,

Arthur, Texas.

You are hereby notified that you and your
children will be allowed thirty days from the date hereof to submit
to this Commission an affidavit, corroborated by two witnesses, show-
ing that you and your children are entitled to be identified as
Mississippi Choctaws, under the Act of Congress of June 25, 1898,
which provides as follows:

"Said Commission shall have authority to de-
termine the identity of Choctaw Indians claiming
rights in the Choctaw lands, under Article Fourteen
of the Treaty between the United States and the Cho-
ctaw Nation, concluded September twenty-seventh, eight-
een hundred and thirty, and to that end may adminis-
ter oaths, examine witnesses and perform all other
acts necessary thereto, and make report to the
Secretary of the Interior."

J. M., 2.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your children are descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

Register.

Commissioner in Charge.

Choctaw R-360

Muskogee, Indian Territory, February 20, 1902.

In the matter of the application
of Francis Morgan, for the enroll-
ment of himself and children:
Hollie Morgan, Ruth Morgan, Laura
Morgan and Joe Morgan, as citi-
zens by blood of the Choctaw
Nation.

To Francis Morgan,
Arthur, Texas.

You are hereby notified that you and your child-
ren will be allowed thirty days from the date hereof to submit to
this Commission an affidavit, corroborated by two witnesses, show-
ing that you and your children are entitled to be identified as
Mississippi Choctaws, under the Act of Congress of June 22, 1902,
which provides as follows:

"Said Commission shall have authority to de-
termine the identity of Choctaw Indians claiming
rights in the Choctaw lands, under Article Fourteen
of the Treaty between the United States and the
Choctaw Nation, concluded September twenty-seventh,
Eighteen Hundred and Thirty, and to that end may ad-
minister oaths, examine witnesses and perform all
other acts necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corrob-

F. W. B.

erating witnesses, and must set forth the fact that you and your children are descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indian, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

Register

Commissioner in Charge.

Choctaw K-801

Muskogee, Indian Territory, February 20, 1902.

In the matter of the application
of Kissie Williams, for the enroll-
ment of herself and her five
children: Spencer Williams, James
Williams, Fred Williams, Minnie
Williams and Emilina Williams, as
citizens by blood of the Choctaw
Nation.

To Kissie Williams,

Arthur, Texas.

You are hereby notified that you and your
children will be allowed thirty days from the date hereof to submit
to this Commission an affidavit, corroborated by two witnesses, show-
ing that you and your children are entitled to be identified as
Mississippi Choctaws, under the Act of Congress of June 22, 1898,
which provides as follows:

"Said Commission shall have authority to de-
termine the identity of Choctaw Indians claiming
rights in the Choctaw lands, under Article Fourteen
of the Treaty between the United States and the Choctaw
Nation, concluded September twenty-seventh, Eight-
een Hundred and Thirty, and to that end may adminis-
ter oaths, examine witnesses and perform all other
acts necessary thereto, and make report to the
Secretary of the Interior."

K. W., 2.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your children and descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

Register.

Commissioner in Charge.

RECEIVED
JAN 10 1880

Chester 2-568

Muskogee, Indian Territory, February 20, 1902.

In the matter of the application
of Charles Morgan, for the enroll-
ment of himself as a citizen by
blood of the Choctaw Nation.

To Charles Morgan,

Arthur, Texas.

You are hereby notified that you will be
allowed thirty days from the date hereof to submit to this Commis-
sion an affidavit, corroborated by two witnesses, showing that you
are entitled to be identified as a Mississippi Choctaw under the
Act of Congress of June 28, 1898, which provides as follows:

"Said commission shall have authority to de-
termine the identity of Choctaw Indians claiming
rights in the Choctaw lands under Article Fourteen
of the Treaty between the United States and the Cho-
ctaw Nation, concluded September twenty-seventh, Eight-
een Hundred and Thirty, and to that end may adminis-
ter oaths, examine witnesses and perform all other
acts necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corrob-
orating witnesses, and must set forth the fact that you are a descen-

C. M., 2.

ant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

Register.

Commissioner in Charge.

Choctaw 2 255

Waskoge, Indian Territory, May 12, 1908.

Hammer & Hitting

Attorneys at Law,

Caddo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you desire to be informed of the present status of the application for enrollment as a citizen by blood of the Choctaw Nation of Isaac Morgan.

In reply to your communication you are informed that it appears from our records that at Caddo, Indian Territory, on August 24, 1899, Isaac Morgan, 35 years of age, made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation.

On May 19, 1902, after a consideration of the application of Isaac Morgan for enrollment as a citizen of the Choctaw Nation, the same was refused and the record in this case was at that date transmitted to the Secretary of the Interior for his review.

A copy of the decision of the Commission of May 19, 1902, was on that date forwarded to Isaac Morgan at Arthur, Texas, his last known post-office address.

Yours truly,

Acting Chairman.

Choctaw R 303

Muskogee, Indian Territory, October 15, 1902.

Homer & Elting,

Attorneys at Law,

Cadde, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 10, asking for a certified copy of the ruling of the Commission relative to Isaac Morgan's right to citizenship in the Choctaw Nation.

In reply to your letter you are advised that there is inclosed you herewith a certified copy of the decision of the Commission denying the application of Isaac Morgan for enrollment as a citizen of the Choctaw Nation, together with the letters of the Acting Commissioner of Indian Affairs and the Acting Secretary of the Interior, affirming the said decision of the Commission.

Respectfully,

Commissioner in Charge.

AR 9-15

Choctaw R 366

Muskogee, Indian Territory, October 21, 1902.

Ike Morgan,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you state that you have not received your papers and you desire to be advised what to do about it.

The Commission is unable from the meager information contained in your letter, to understand to what papers you refer.

You are advised that it appears from our records that on May 19, 1902, the Commission refused the application of Isaac Morgan for enrollment as citizen of the Choctaw Nation, which decision was approved by the Secretary of the Interior on June 19, 1902.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 5, 1903.

Isaac Morgan,

Cadde, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 29, asking what disposition has been made of your citizenship case.

In reply to your letter you are informed that on May 19, 1902, the Commission rendered its decision refusing your application for enrollment in the Choctaw Nation and on the same date you were notified by registered mail at Arthur, Texas, and on June 19, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing your application, notice of which was mailed you on July 1, 1902.

Copies of the decision of the Commission, refusing your application, and the notice of Departmental action are again mailed you this day under separate cover to Cadde, Indian Territory.

Respectfully,

Chairman.

Choctaw R 356

Muskogee, Indian Territory, February 19, 1904

Isaac Morgan,

Caddo, Indian Territory,

Dear Sir:

Your letter of February 2, addressed to the Secretary of the Interior, has been by him referred to the Commission for consideration and appropriate action. Therein you ask if you have been enrolled as a Choctaw.

In reply to your letter you are advised that on May 19, 1902 the Commission rendered its decision refusing your application for enrollment as a citizen of the Choctaw nation, and on June 19, 1902, the Secretary of the Interior affirmed this decision. The Commission therefore considers your case closed and that you are not entitled, in any manner, to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in charge.

Choctaw R-356.

Muskogee, Indian Territory, July 13, 1904.

C. H. Elting,

Attorney at Law,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 3rd, in which you state that several months ago you returned a transcript of the record in the case of Isaac Morgan for certain amendments, and ask that the same be filed in the office of the United States Indian Agent at Muskogee for use in intruder cases, numbers 106 and 116, Josiah Homer, for Osceola Homer, and Willis Jackson, guardian for Charles Yarhamby, against Isaac Morgan.

The transcript referred to by you is enclosed herewith for such use as you may deem proper, and you are advised that on May 19, 1902, the Commission refused the application of Isaac Morgan for enrollment as a citizen of the Choctaw Nation, which action was, on June 19, 1902, approved by the Secretary of the Interior.

Respectfully,

EA 3/13.

Chairman.

MCA 114

Muskegee, Indian Territory, July 21, 1905.

White, Armstrong & Glenn,
Attorneys at Law,
Hugo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 13th instant, requesting to be advised as to whether or not the following named persons are enrolled as Indian citizens by blood, or as freedmen:

Ike Morgan,	Emma Morgan, now Whitfield,
Charles Morgan,	Mary Morgan, now Black,
John Morgan,	Briscoe Morgan,
Tom Morgan,	Eva Morgan, now Garland,
Joanna Morgan, now Woods,	Estella Morgan,
Ike Morgan, Jr.	

In reply you are informed it appears from the records of this office that on October 9, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes dated July 21, 1902, refusing the applications of the following persons included in the consolidated Mississippi Choctaw case of Emma Whitfield, et al:

Emma Whitfield,	Mary Whitfield,
Luey Whitfield,	Oma Whitfield,
Isaac Whitfield,	Willie Whitfield,
Gatha Whitfield,	Eva Garland,
Bessie Harris,	Thomas Morgan,
Charlie Morgan,	Mary Black,

W A A C R

John Black,
Willie Black,
Erissee Morgan,

Cooper Morgan.

Ezra Black,
Erieus Black,
Charles E. Morgan,

The applicants were duly notified of such departmental action October 21, 1902. This case is considered closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

You will be advised in a separate communication relative to Ike Morgan, John Morgan, Joanna Morgan, now Woods, Estella Morgan and Ike Morgan, Jr.

Respectfully,

Commissioner.

7-R-386

7-R-386

Muskogee, Indian Territory, July 25, 1905.

White, Armstrong & Glenn

Hugo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 21, 1905, and replying to that portion of it in which you ask the status of the enrollment of Ike Morgan, John Morgan, Johanna Morgan now Woods and Estella Morgan and Ike Morgan Jr., you are advised that on May 19, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Isaac Morgan for the enrollment of himself and his children Ike, Johanna, Estelle, Davie, and Leslie Morgan as citizens of the Choctaw Nation, and on June 19, 1902, this action was approved by the Secretary of the Interior. This case is therefore considered closed.

You are further advised that it does not appear from the records of this office that personal appearance has been made by John Morgan in the matter of an application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-386.

Muskogee, Indian Territory, January 27, 1906.

Isaac Morgan,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 13, 1906, asking the number of your case, stating that you and your children appeared before the Commission to the Five Civilized Tribes and made application as Mississippi Choctaws by blood and you ask the numbers of all the applicants in the consolidated case.

In reply to your letter you are advised that it appears from the records of this office that Isaac Morgan made application for the enrollment of himself and his children, Ike, Joanna, Estelle, David and Leslie Morgan as citizens by blood of the Choctaw Nation.

On May 19, 1902, a decision was rendered refusing this application, and on June 19, 1902, this action was approved by the Secretary of the Interior.

It does not appear from the records of this office that application was made by or on behalf of your children above named for identification as Mississippi Choctaws.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, January 30, 1906.

Henry Byington,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 30, 1905, and replying to that portion in which you ask relative to the application for the identification of Isaac Morgan and Joanna Woods as Mississippi Choctaws, you are advised that it does not appear from the records of this office that application has been made by or on behalf of Isaac Morgan or his children Ike, Joanna, Estelle, Davie and Leslie Morgan for identification as Mississippi Choctaws. It appears, however, that application was made for their enrollment as citizens of the Choctaw Nation and on May 2, 1902, this application was refused by the Commission to the Five Civilized Tribes and on June 19, 1902, this action was approved by the Secretary of the Interior. The case is therefore considered closed.

Respectfully,

Acting Commissioner.

7-R-356

Muskogee, Indian Territory, February 15, 1907.

Mary Black,

Caddo, Indian Territory.

Dear Madam:

Your letter of January 12, 1907, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you state that your citizenship claim is pending before the Department in the case of Mary Black et al., applicants for enrollment as Mississippi Choctaws and that petition was filed for a rehearing in this case to be consolidated with that of your father Ike Morgan; you now ask that your application be heard as a Joe and Dillard Perry case as you claim application was made prior to December 1, 1906.

In reply to your letter you are advised that the application of Isaac Morgan for the enrollment of himself and his children as citizens of the Choctaw Nation was refused by the Commission to the Five Civilized Tribes May 19, 1902 and this action was approved by the Secretary of the Interior June 19, 1902. On January 21, 1907, the Department denied a motion for a rehearing in your case.

Referring to your request that the case be considered

7-R-356
as citizens of the Choctaw Nation was refused by the Commission to the Five Civilized Tribes May 19, 1902 and this action was approved by the Secretary of the Interior June 19, 1902, and it does not appear from the records of this office that a petition for rehearing was filed in this case.

Mary Black,

Caddo, Indian Territory.

Dear Madam:

Your letter of January 12, 1907, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you state that your citizenship claim is pending before the Department in the case of Mary Black et al., applicants for enrollment as Mississippi Choctaws and that petition was filed for a rehearing in this case to be consolidated with that of your father Ike Morgan; you now ask that your application be heard as a Joe and Dillard Perry case as you claim application was made prior to December 1, 1906.

In reply to your letter you are advised that the application of Isaac Morgan for the enrollment of himself and his children as citizens of the Choctaw Nation was refused by the Commission to the Five Civilized Tribes May 19, 1902 and this action was approved by the Secretary of the Interior June 19, 1902, and it does not appear from the records of this office that a petition for rehearing was filed in this case.

Referring to your request that the case be considered

K. B. #2

as a Joe and Dillard Perry case your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

"That no name shall be transferred from the approved freedman, or any other approved rolls of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, respectively, to the roll of citizens by blood, unless the records in charge of the Commissioner to the Five Civilized Tribes show that application for enrollment as a citizen by blood was made within the time prescribed by law by or for the party seeking the transfer, and said records shall be conclusive evidence as to the fact of such application, unless it be shown by documentary evidence that the Commission to the Five Civilized Tribes actually received such application within the time prescribed by law."

.....and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act."

Respectfully,

Commissioner.

7-R-356

Muskegee, Indian Territory, March 21, 1907.

Jeannette Woods,

Frogville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 25, 1907, giving the names of your father and mother and stating that you were enrolled as Joanna Morgan as a citizen of the Cheetaw Nation.

In reply to your letter you are advised that on May 19, 1902, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Joanna Morgan as a citizen by blood of the Cheetaw Nation and on the same date the record in this case was forwarded to the Secretary of the Interior. June 19, 1902 this action was approved by the Department and your case is therefore considered closed.

Respectfully,

Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

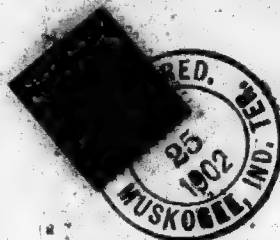
Unclaimed

Returned to Writer.

Isaac Morgan,

Arthur,

Texas.



2660

HOCTAW

357

Whitfield, Emerline

Missing

2/17/41

357

Choe. R. 358

John Morgan

R. 358

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-358

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20, 1902.

In the matter of the application)
of John Morgan, for the enroll-)
ment of himself and two children:)
Blaine Morgan and Ike Morgan, Jr.,)
as citizens by blood of the)
Choctaw Nation.)

To John Morgan,

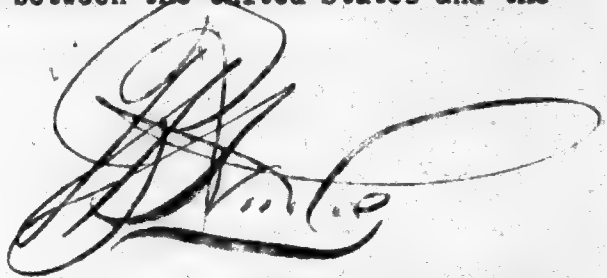
Arthur, Texas.

You are hereby notified that you and your children will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your children are entitled to be identified as Mississippi Choctaws, under the Act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands, under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

J. M., 2.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your children are descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is positioned above the title.

Commissioner in Charge.

Register.

Departmen

Commission to

MUSKO

OFFICIAL

Penalty for priva



Unclaimed
Returned to Writer.

John Morgan,
Arthur,
Texas.

2656

Choc. R. 359

Mary A. Blackman

R. 359

W-08

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-359

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20, 1902.

In the matter of the application)
of Mary A. Blackman, for the enroll-)
ment of herself and children: John)
Blackman, Henry Blackman, Willie)
Blackman and Morgan Blackman, as)
citizens by blood of the Choctaw)
Nation.)

To Mary A. Blackman,

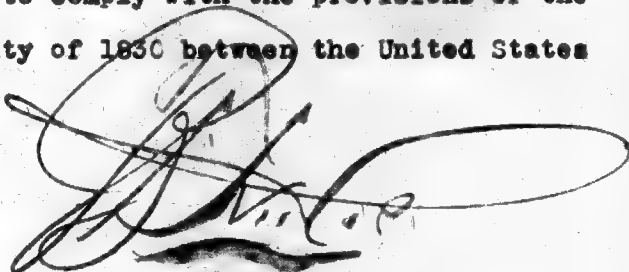
Arthur, Texas.

You are hereby notified that you and your children will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your children are entitled to be identified as Mississippi Choctaws, under the Act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

M. A. B., 2.

such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your children are descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, featuring a prominent loop at the end and a horizontal line across the middle.

Commissioner in Charge.

Register.

Department of the Interior.

Commission to the Five Civilised Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

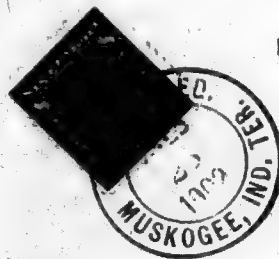
Unclaimed

Returned to Writer.

Mary A. Blackman,

Arthur,

Texas.



2653

Choc. R. 360

Francis Morgan

R. 360

Department of the Interior.

Commission to the Five Civilised Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Unclaimed

Returned to Writer.

Francis Morgan,

Arthur,

Texas.

2655

Choc. R. 361

Kizzie Williams

R. 361

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Unclaimed

Returned to Writer.

Kizzie Williams,

Arthur,

Texas.

2661

Choc. R. 362

Charles Morgan

R. 362

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Unclaimed

Returned to Writer

Charles Morgan.

Arthur,

Texas.

2657

Choc. R. 363,
Bristow Morgan

R. 363

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Unclaimed



Returned to Writer.

Bristow Morgan,

Arthur,

Texas.

2658

Choc. R. 364

Tom Morgan

R. 364

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Unclaimed



Returned to Writer:

Tom Morgan,

Arthur,

Texas.

2659

CHOCTAW

365

Harris, Susie

Missing

2/17/41

365

Choc. R. 366

Eva Barland

R. 366

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Unclaimed

**Returned to Writer, Eva Barland,
Arthur,**

Texas.



2054

Choc. R. 367

Sarah McDonough

R. 367

Charles M. Donoghue

DECISION RENDERED JAN 7 - 1905

REFUSED JAN 7 - 1905

COPY OF DECISION FORWARDED
APPLICANT JAN 7 - 1905

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. JAN 7 - 1905

RECORD FORWARDED DEPARTMENT
JAN 7 - 1905

*Jan. 20. 1905. Record and decision as to
No. 3 returned by Department.*

*Jan. 31. 1905. Record as to No. 3 was
report returned Department.*

ACTION APPROVED BY
SECRETARY OF INTERIOR
FEB 17 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT
MAR 3 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
MAR 3 1905

applications 2-11 & 2-12 Referred to mcr 876

*applications 1-647 transferred to mcr 876 to
be considered as mcr 876 Choctaw Cases.*

(See mcr 876 for details)

Muskogee, Indian Territory, February 20, 1903

In the matter of the application of
William H. McDonough for the enrollment of
himself as a citizen of the Choctaw
Nation. }

To William H. McDonough,

Ardmore, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the state of Mississippi

V. H. McD., R.

in 1830, and that your ancestors, such Unpetaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

T. B. Needles

Commissioner in Charge.

Register.

Muskogee, Indian Territory, January 26, 1903.

William H. McDonough,

Lone Grove, Indian Territory,

Dear Sir:

It appears from the records of the Commission that during the month of August, 1899, at Durant, Indian Territory, application was made for your enrollment as a citizen by blood of the Choctaw Nation.

It does not appear that any application has ever been made to the Commission for your identification as a Mississippi Choctaw. The authority vested in the Commission to determine the identity of so-called Mississippi Choctaws is contained in the provision of the act of Congress approved June 28, 1898 (30 Stats., 498), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall

William H. McDonough-2

thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

William H. McJannet-3

It would, therefore, be necessary, in order for the applicants to obtain rights as Mississippi Choctaw, under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that their ancestors who were living at the date of the conclusion of the treaty of 1830 were beneficiaries under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants who are over twenty-one years of age, or who are married, must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their cases. Parents and guardians may apply for their children and wards.

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides:

The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

If it is your desire and intention to make application to this Commission for identification as a descendant of a Choctaw Indian who complied or attempted to comply with the said fourteenth article of the treaty of 1830, under the provisions of law above quoted, it will be necessary for you to appear in person before the Commission for examination as to said rights. You will be allowed thirty days from this date within which to make such application,

William H. McDonough-4

at the end of which time, if no such appearance is made, the Commission will then proceed to determine your rights to enrollment as a citizen of the Chectaw Nation on the report as now made.

Respectfully,

T.B. Needles.

Commissioner in Charge.

Register.

7-R-367.

O. L. J.

John

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--000--

In the matter of the application of William H. McDonough
for enrollment as a citizen of the Choctaw Nation.

--000--

-: D E C I S I O N :-

--000--

It appears from the census card record in this case that during the month of August, 1899, at Caddo, Indian Territory, application was made for the enrollment of William H. McDonough as a citizen of the Choctaw Nation.

It does not appear from the evidence submitted in support of said application, or from the records in the possession of the Commission, that the applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant herein might have as a Mississippi Choctaw, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant herein was notified on February 20, 1902, that he would be allowed thirty days from that date within which to set forth that he claimed for himself a right to identification as a Mississippi Choctaw, said notice being sent to Ardmore, Indian Territory, but was returned to the Commission marked "Uncalled for". On January 26, 1903, this applicant was again notified that he would be allowed thirty days to personally appear before the Commission and make application for identification as a Mississippi Choctaw. This notice was addressed to Lone Grove, Indian Territory, Copies

of said notices are hereto attached and made a part of the record in this case. No response to either of said notices has ever been made by, or on behalf of, the applicant.

It is therefore the opinion of this Commission that the application for the enrollment of William H. McDonough, as a citizen of the Choctaw Nation should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JAN 7 - 1905

Choctaw R 367

COPY.

Muskogee, Indian Territory, January 7, 1905.

William H. McDonough,

Lone Grove, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day, transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

Registered.

Incl. 7-R-367.

T. B. Needles.

Chairman.

Choctaw R 367

COPY.

Maskokee, Indian Territory, January 7, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of William H. McDonough as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNER

T. S. Needles

Chairman.

Incl. 7-R-367.

COPY.

Muskogee, Indian Territory, January 7, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of William H. McDonough as a citizen of the Choctaw Nation, including the decision of the Commission, dated January 7, 1906, denying said application.

Respectfully,

SIGNED,

T. B. Needles.

Chairman.

2 Incl.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR

LLE

D. C. 4905-1905 WASHINGTON

ITD 462-1905.
LRS

January 20, 1905.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

January 7, 1905, you transmitted what purports to be the record of proceedings has in the matter of the application of William H. McDonough for his enrollment as a citizen of the Choctaw Nation, including your decision of same date denying said application.

Your attention is invited to the fact that "the evidence submitted in support of said application," upon which your decision is based, does not appear in the record transmitted.

You are directed to incorporate into the record the testimony taken in support of said application and return the same direct to the Department.

January 17, 1905, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision be affirmed. Copy of his letter is inclosed.

The Department declines to act in accordance with said recommendation until the record is made complete.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Department of the Interior,

Commission to the Five Civilized Tribes.

Exhibit 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Commission to the Five Civilized Tribes.

Osage, I. T. August, 1897.

In the application of Sarah McDonough for enrollment as a Choctaw, being sworn and examined by Com'r McKenna and testified:

- Q What is your name? A Sarah McDonough.
- Q How old are you? A Fifty-three.
- Q Are you on the Choctaw roll? A No sir.
- Q Have ever you been? A No sir.
- Q Are your father and mother on the Choctaw roll? A No sir, my brother is.
- Q Where do you live? A I live the other side of Ardmore, in the Chickasaw Nation.
- Q How long have you lived there? A We have lived there about a year.
- Q When did you come to the Nation? A In the winter of 1897.
- Q What month did you come? A January, 1898.
- Q On last January? A No sir, it was last January a year ago.
- Q Where did you come from? A We came from Texas.
- Q You were born and raised in Texas? A I was born in Tennessee.
- Q What time did you go to Texas? A I don't remember now.
- Q You were born in Tennessee and lived in Texas pretty much all your life? A We lived in the Territory a while.
- Q Where? A In 1873.
- Q How long? A About two years.

Com'r McKenna: As you are not on the rolls, the Commission has no authority to enroll you; your enrollment is therefore refused.

Land
2745-1905
4005-1905

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Washington, January 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 7, 1906, transmitting the record of the application made August 1896, for enrollment as a citizen of the Choctaw Nation by William H. McDonough.

January 7, 1906, the Commission decided adversely to the applicant.

It does not appear from the record that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal. He has also been afforded an opportunity to show that he was entitled to rights in the Choctaw lands as a Mississippi Choctaw but has failed to make such a claim.

In view of the record and of the act of June 28, 1898 (30 Stat., 495) the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR

LLE

D. C. 4008-1905

WASHINGTON

ITD 462-1905.
LRS

January 20, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 7, 1905, you transmitted what purports to be the record of proceedings had in the matter of the application of William H. McDonough for his enrollment as a citizen of the Choctaw Nation, including your decision of same date denying said application.

Your attention is invited to the fact that "the evidence submitted in support of said application," upon which your decision is based, does not appear in the record transmitted.

You are directed to incorporate into the record the testimony taken in support of said application and return the same direct to the Department.

January 17, 1905, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision be affirmed. Copy of his letter is inclosed.

The Department declines to act in accordance with said recommendation until the record is made complete.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, January 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of departmental letter of January 20, 1905 (I T D 462-1905), returning the decision of the Commission of January 7, 1905, refusing the application of William H. McDonough for enrollment as a citizen of the Choctaw Nation.

The Department invites the attention of the Commission to the fact that "the evidence submitted in support of said application" upon which the decision is based does not appear in the record transmitted, and directs that there be incorporated in the record the testimony taken in support of said application with the return of the papers to the Department.

I have the honor to report in reference to this matter that at Okfuskee, Indian Territory, on August 31, 1899, William H. McDonough personally appeared before the Commission and made application for enrollment as a citizen by blood of the Choctaw Nation. The applicant's testimony was not at that time reduced to writing, but it appears from the census card records of the Commission that

(2)

He gave his age at the time of the application as twenty six years. At the time he made application he was accompanied by his mother, Sarah McDonough, and a copy of her testimony at the time of the submission of her application on August 21, 1899, is transmitted herewith.

It further appears from the census card records of the Commission that on August 21, 1899, Mary Ann McDonough, Lewis P. McDonough and Ida V. McDonough also appeared before the Commission and made application for enrollment as citizens of the Choctaw Nation; while Sarah McDonough applied for herself and her two minor children, Thomas and Perry W. McDonough.

On September 21, 1900, Frank McDonough, Ida McDonough and Mary McDonough appeared before the Commission and made application for identification as Mississippi Choctaws.

Subsequently, and on October 23, 1900, Sarah A. McDonough made application to the Commission for the identification of herself and her two minor children, Thomas Edwin and Perry Washington McDonough, as Mississippi Choctaws.

Sarah McDonough is the mother, and the other Mississippi Choctaw applicants are the full brothers and sisters of William H. McDonough, and their rights as citizens by blood of the Choctaw Nation and as Mississippi Choctaws were adjudicated by the Commission in its decision in the consolidated Mississippi Choctaw case

(3)

of Richard H. Vernon, et al., which decision was rendered on May 13, 1902, refusing the applications of the several persons included in this consolidated case. This action of the Commission was affirmed by the Acting Secretary of the Interior on November 11, 1902 (I T D 4440-1902).

William H. McDonough has never appeared before the Commission and made application for identification as a Mississippi Choctaw, although repeated notices were forwarded him with a view of securing such an application.

The applicant would appear from our records to be now about thirty or thirty one years of age and it is presumed that he has long since abandoned the prosecution of any claim to enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

There is also transmitted herewith a copy of the testimony of Sarah A. McDonough in the matter of her application for identification as a Mississippi Choctaw before the Commission on October 23, 1900.

Inasmuch as the rights of the applicant, William H. McDonough are identical with that of his mother, Sarah McDonough, and as the record in the consolidated Mississippi Choctaw case of Richard H. Vernon, et al. conclusively demonstrates that she is not entitled to enrollment as a citizen of the Choctaw Nation or

(4)

to identification as a Mississippi Choctaw, it is respectfully recommended that the decision of the Commission of January 7, 1905, refusing the application for the enrollment of William K. McDougall as a citizen of the Choctaw Nation be affirmed.

Respectfully,

(SIGNED) *James Bixby*

Chairman.

Through the Commissioner
of Indian Affairs.

McM 1

(COPY).

Land.
2745-1905.
9467-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of January 20, 1905 (I.T.D. 462-1905), there is enclosed a report from the Commission to the Five Civilized Tribes, dated January 31, 1905, transmitting the record and the additional testimony taken in the application for enrollment as a citizen of the Choctaw Nation by William H. McDonough.

I renew the recommendation of January 17, 1905 (Land 2747-1905), that the decision of the Commission adverse to the applicant be approved.

Very respectfully,

C. F. Iarrabee

Acting Commissioner.

M.M.M.
W.

DC. 9033-1905.
ITD. 1620-1905.
462- "
LRS.

GR. LLB. (COPY).

DEPARTMENT OF THE INTERIOR,
WASHINGTON, February 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 31, 1905, you retransmitted the record and additional testimony in the matter of the application of William H. McDonough for his enrollment as a citizen of the Choctaw Nation, including your decision of January 7, 1905, adverse to applicant.

February 13, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, renewed his recommendation that your decision of January 17, 1905, adverse to applicant, be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision adverse to applicant is hereby affirmed.

Respectfully,

M. W. Miller,

Acting Secretary.

1 inclosure.

7-R-367

COPY.

Muskogee, Indian Territory, March 3, 1906.

William H. McDonough,

Low Grove, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 17, 1906, affirmed the decision of this Commission dated January 7, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

C. R. Breckinridge.

Commissioner in Charge.

7-R-367

COPY.

Muskogee, Indian Territory, March 3, 1905.

Hansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 17, 1905, affirmed the decision of this Commission dated January 7, 1905, denying the application for the enrollment of William H. McDonough as a citizen of the Choctaw Nation.

Respectfully,

[Signature]

J. R. Breckinridge.

Commissioner in Charge.

CHOCOTAW.

R. 8

Nancy E. Cummings

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCOTAW. ..

REFER TO M. C. R. #584.

Choo. R. 369

Frank E. Snapp

R. 369

CHOCTAW

In the matter of the application of
Frank E. Snapp for enrollment as a
citizen by blood of the Choctaw Nation

REFUSED MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT.
MAY -9 1902

ACTION APPROVED BY JUN 12 1903
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL JUL 14 1903
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION JUL 14 1903
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUL 14 1903

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Frank E. Saupp for enrollment as a
citizen; being sworn and examined by Com'r McKenna as follows:

Q. What is your name? A. Frank E. Saupp.

Q. How old are you? A. Twenty-two.

Q. You are not on the rolls here? A. No sir.

Q. Have you been? A. No sir.

Q. Your father and mother were never on the rolls? A. No, sir,
my mother is dead.

Com'r McKenna: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

Frank E. Saupp, was my official work as
assistant clerk to the Indian Commissioner, that this
transcript is a true, full and correct translation of
the above notes.

[Signature]

Honorable Commissioner of Indian Affairs,
Washington, D.C.

Sir:

Please enter my appearance in the enclosed case of
--- E. H. Shaw, et al ---
on behalf of the applicant, and notify me of any action taken
therein.

I have the honor to be,

Respectfully,

Chester Howe.

before the Hon. Secretary of the Interior and the Hon. Commissioner of Indian Affairs. Washington, D.C.

Come now Frank Ernest Snap and prays for an order directed to the Commission to the five civilized tribes, known as the Dawes Commission, directing them to receive and file and pass upon the application of petitioner for enrollment as a member of the Choctaw tribe of Indians of the Indian territory. And if the evidence shall conform to the facts set forth in said application, that petitioner be enrolled as a member of said tribe, and if not that petitioner have written notice thereof and be given further time to take testimony herein. For grounds of petition he alleges.

1.

That he is a Choctaw indian by blood and is entitled to enrollment.

2.

That he is a bona fide resident of the Choctaw nation, Indian Territory

3.

That he duly presented his petition to the Dawes Commission at the time and place in the affidavit hereto annexed. That he offered to produce proof of the facts set forth in said application and that said Commission refused to permit him to do so.

4.

That if permitted he can support said application by proper proof.

5.

That on account of said refusal by said Commission he has been deprived of valuable property rights, and the Hon. Secretary of the Interior and the Hon. Commissioner of Indian Affairs have not now any record or proof upon which they can hear this application, except the application and affidavits herewith submitted.

WHEREFORE, Your petitioner prays that the order asked for in this petition may issue; that he be permitted to make proper showing, and that he be enrolled as a citizen of the Choctaw Tribe of Indians.

J.O. Peck & Johnson & Horton.

Respectfully submitted.

I, L.D. Horton, being duly sworn, state that I am one of the attorneys for the petitioner and the same is filed in good faith and not for the purpose of delay, but that Justice may be done.

Subscribed and sworn to before me this the 18th day
of January 1900.

L.D. Horton

Dwight Brown,

Notary Public.

Central District, Indian Territory.

I, Frank E. Snapp, after being duly sworn, state that I am 20 yrs old and a bona fide resident of the Choctaw Nation Indian Territory. My father Tom Snapp was a white man and my mother was a pure Choctaw Indian. She was a sister to Mary A. Whale and John A. Davis who are married Choctaws, and of Eliza J. Pearce whose application is now pending before the ^{copy} departments at Washington. A certified ^{copy} of the judgment enrolling Mary W. Whale and John A. Davis is annexed to my application which I submitted to the Daves Commission, which said application is annexed hereto.

I applied to the Daves commission at Atoka, Indian Territory about the day of August 1899 and presented my oral application for enrollment and they refused to hear my case. I then presented the application which is annexed hereto and they refused to take up the case. They just waived their hands. That is, The one I was talking to waived his hand for me to go out and I retired.

Frank E. Snapp.

Subscribed and sworn to before me this the 14th day of January 1900.

L. D. Herten.

Notary Public.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

83.

Central District,

IN THE UNITED STATES COURT in the Indian Territory, Central District at a term thereof begun and held at South McAlester in the Indian Territory, on the 30th. day of August, A.D. 1897, present the Honorable Wm H. H. Clayton, Judge of said Court.

The following order was made and entered of record, to-wit:

Mary W. Whaley et al

vs

65.

Judgment.

Choctaw Nation.

Be it remembered, that on this 30th day of August, 1897, it being one of the days of the regular April A.D. 1897, term of this court, came for hearing in the matter of the petition of Mary W. Whaley et al, for enrollment as members of the Choctaw Tribe of Indians, the petitioners and the Choctaw Nation both appearing by attorneys, and the court having seen and heard the pleading and the evidence adduced in the cause, and being fully advised in the premises, doth find that Wilbur F. Whaley, one of the aforesaid petitioners is not entitled to enrollment as a member of the Choctaw Tribe of Indians, not having married according to the Choctaw laws; and that Mary W. Whaley, A.R. Whaley, Winnie Whaley, Walter Whaley, Rubie Whaley, Ernest K. Whaley, May Whaley and Dolly Whaley, John A. Davis, Samuel Davis, William Davis, Frank Davis and Pearl Davis, are Choctaw Indians by blood, and that they are under the laws and the evidence, entitled to enrollment as members of the Choctaw tribe of Indians, and doth therefore, order and adjudge and decree that the name of the said Mary W. Whaley, W.R. Whaley, Winnie Whaley, Walter Whaley, Rubie Whaley, Ernest K. Whaley, May Whaley, Dollie Whaley, John A. Davis, Samuel Davis, William Davis, Frank Davis, and Pearl Davis, be enrolled by the Commission to the Five Civilized Tribes as members by blood of the Choctaw Tribe of Indians,

and that said Wilbur F. Whaley be excluded from such enrollment, and it is further ordered and adjudged that the said petitioners have and re-

order of the Choctaw Nation of Indians all their costs in this behalf expended, for which let execution issue.

Endorsed on back as follows

Endorsed on back as follows:

"The within is a true copy from the record of an order made by said Court on the 30th day of Aug., A.D. 1897.

E. J. Fannin, Clerk.

(Seal).

No. 66. Mary W. Whaley et al versus Choctaw Nation. Copy of Order of Court. P. B. Stoner, Cler, by _____ Deputy.

(Application of Frank E. Snap for

(Citizenship in the Choctaw Nation.

To the Hon. Commission to the Five Civilized Tribes;

Your petitioner, Frank Ernest Snap, represents and shows unto your Honorable body-That he is 20 years old and a bonafide resident of the Choctaw Nation, Indian Territory. That his father, Tom Snap was a white man and Intermarried with Columbia Davis and that he is the son of said Tom and Columbia.

That the said Columbia Snap was the daughter of Ellen P. Davis and Henry Davis and that said Ellen P. Davis and Henry Davis were husband and wife.

That said Ellen P. Davis was the daughter of Mary Houser and applicant does not know the given name of said Marys father. That the said Mary Houser was the daughter of Solomon Anderson and the said Anderson, as applicant is informed and believes, was a full-blooded Mississippi Choctaw Indian and a member of the said Mississippi Tribe of Choctaw Indians and the said Solomon Anderson is long since dead.

He therefore says that he is a Choctaw Indian by blood and a descendant of the Mississippi Choctaw Indians and that according to the Treaties heretofore entered into by and between the Choctaw Nation and the United States government, and the laws of the United States and the laws, usages and customs of the Choctaw Nation, applicant is entitled to be enrolled as a citizen of said Choctaw Nation.

Applicant further says that his said mother is a full sister of Mary W. Whaley and John A. Davis who were enrolled by the United States Court for the Central Judicial District on the 30th day of August 1895 as will more fully appear by reference to a certified copy of the Decree of said Court entered in the case of Mary W. Whaley Vs Choctaw Nation hereto attached and Marked Exhibit "A" And that said John A. Davis and Mary W. Whaley were enrolled by the Dawes Commission on the 14th day of August 1893, at Durant Indian Territory.

That his said mother is also a Cousin to Sarah Jane Whittle who was enrolled by the Choctaw council by Act approved November 9th 1895 and that Sarah J. Whittle was enrolled as a descendant of the same Solomon

Anderson, and is descended from said Anderson. Reference is here had to said act.

Wherefore, The premises being seen and fully understood, the applicant prays that he be granted a hearing of the matters and things set forth herein. That testimony of witnesses be taken if deemed necessary by the commission and that he be identified and enrolled as a Choctaw Indian as aforesaid and declared to be entitled to all the rights and benefits of such, and for all necessary orders and proceedings.

Frank Ernst Snapp

Frank E. Snap states upon oath that the facts set forth in the foregoing application are true to the best of his knowledge and belief.

Frank Ernest Snapp

S E A L

Subscribed and sworn to before me this 26th day of August

1899.

L. D. Horton.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frank E. Snapp for the enrollment of himself as a citizen by blood of the Choctaw Nation.

DECISION.

It appears from the record in this case that the applicant, Frank E. Snapp, appeared before the Commission at Atoka, Indian Territory, during its session thereat beginning August 28, 1899, and ending September 2, 1899, and then and there made personal application for the enrollment of himself as citizen by blood of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 26, 1893, (30 Stats., 495), as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was, on the 30th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response was made by the applicant to said notice.

The act of Congress of June 26, 1893, (30 Stats., 495), and a portion of section 21 thereof, provides as follows:



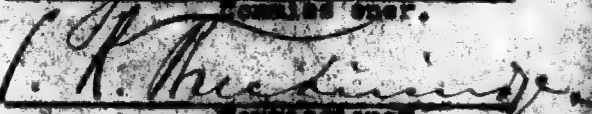
"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 821), and a portion of the second paragraph thereof, provides as follows:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Frank E. Snapp is not lawfully entitled to be enrolled as a member of the Cheetaw Tribe of Indians in Indian Territory, and that his application therefore should be refused; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Recording Clerk.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAY -9 1902

COPY.

Chectaw H-369

Huskogee, Indian Territory, May 9, 1902.

B. S. Johnson,

Durant, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank W. Snapp as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 inclosure.
Chectaw H-369
Registered.

Choctaw R-369

COPY.

Muskogee, Indian Territory, May 6, 1902.

Frank E. Snapp,

In care of J. O. Pool,

Wagon, Texas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 inclosure.
Choctaw R-369
Registered.

Choctaw N-369

COPY.

Muskogee, Indian Territory, May 9, 1902.

J. O. Pool,

Attorney at Law,

Waco, Texas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank E. Snapp as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 inclosure
Choctaw N-369
Registered.

Chectaw B-100

COPY.

Washoe, Indian Territory, May 9, 1902.

I. D. Norton,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank B. Goss as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

I inclose,
Chectaw B-100
Registered.

Chester B-369

COPY

Montague, Indian Territory, May 2, 1906.

Chester Howe,

4623 F Street, N. W.,

Washington, D. C.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank E. Snapp as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 inclosure
Chester B-369
Registered.

Chester B-309

COPY.

Washita, Indian Territory, May 9, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank H. Sapp as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 inclosure.
Chester B-309

COPY.

Chester E-309

Managers, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Frank E. Snapp for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission dated May 7, 1902, refusing the application for the enrollment of Frank E. Snapp as a citizen of said nation.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 inclosure
Chester E-309

Through the Commissioner
of Indian Affairs.

D.C. 17407

Copy

W.C.P. JHE.

Department of the Interior,
Washington,

I.T.D. 4872--1903.

June 12, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 9, 1902, you transmitted the record in the case involving the application for enrollment of Frank E. Snapp as a citizen by blood of the Choctaw Nation, including your decision of that date denying said application.

The record fails to show that the applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory.

It appears from your decision that on February 2, 1902, the applicant was notified that he would be allowed thirty days from that date in which to set forth any claims he might wish to present pertaining to his rights as a Mississippi Choctaw, and that no response was received to said notice.

Reporting in the matter June 4, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully examined the record in the case, and finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

E.A. Hitchcock,
Secretary.

1 inclosure.

1
Land.
29240--1902.

Copy.
Department of the Interior,
Office of Indian Affairs,
Washington, June 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from T. B. Needles, Commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated May 9, 1902, forwarding the record relative to the application of Frank E. Snapp for enrollment as a citizen of the Choctaw Nation.

The record in the case does not show that the applicant has ever been enrolled as a citizen of the Choctaw Nation by the tribal authorities, the commission or the court. He is not, therefore, under the provisions of the Act of May 31, 1900, entitled to enrollment.

February 20, 1902 the Commission notified the applicant that he would be allowed thirty days from that date in which to set forth any claim he might have to the right to identification as a Mississippi Choctaw.

The applicant in this case attempted to trace descent from Solomon Anderson, an alleged full-blood Choctaw Indian? Columbia Snapp, mother of the applicant, it is alleged, was the daughter of Ellen P. Davis and Henry Davis; that Ellen P. Davis was the daughter of Mary Houser, who was a daughter of said Solomon Anderson.

The records of this office do not show that any one by the name of Solomon Anderson, Ellen P. Davis, or Houser or Mary Houser

complied or attempted to comply with the provisions of the 14th article of the treaty of 1830. The applicant is not therefore entitled to identification as a Mississippi Choctaw by reason of descent from said Solomon Anderson.

The applicant has caused to be made a part of the record in the case the judgment of the court in the case of Mary W. Whaley, et al., vs. the Choctaw Nation. He states that his mother was a sister of Mary Whale, understood by the office to be one of the parties to the above entitled case. The court in that case held that part of the applicants were entitled to enrollment. This applicant was not a party to the Whaley case and is not entitled to the benefits of that judgment should the citizenship court hereafter hold that the parties to the case are entitled to citizenship in the Choctaw Nation.

The approval of the Commission's decision adverse to the applicant, dated May 9, 1902, is recommended.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

G.A.W. (S)

Choctaw-R-569

COPY.

Muskogee, Indian Territory, July 14, 1903.

Frank E. Snapp,

In care of J. O. Pool,
Wacana, Texas.

Dear Sir,

You are hereby notified that the Secretary of the Interior, under date of June 12, 1903, affirmed the decision of this Commission, Dated May 9, 1903, refusing your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

COPY.

Chester-B-300

Madame, Indian Territory, July 14, 1903.

B. S. Johnson,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of June 12, 1903, affirmed the decision of this Commission, dated May 9, 1903, refusing the application made by Frank E. Hays, for enrollment as a citizen of the Choctaw Nation.

Respectfully, SIGNED

T. B. Needles

Commissioner in Charge.

Choctaw-11-369

COPY.

Muskogee, Indian Territory, July 14, 1903.

J. O. Pool,

Attorney at Law,

Waco, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of June 12, 1903, affirmed the decision of this Commission, dated May 9, 1903, refusing the application made by Frank E. Snapp, for enrollment as a citizen of the Choctaw Nation.

Respectfully,

SIGNED.

Commissioner in Charge.

Chectaw-N-369

COPY:

Muskogee, Indian Territory, July 14, 1903.

Chester Howe,

4023 F Street, N. W.,
Washington, D. C.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of June 12, 1903, affirmed the decision of this Commission, dated May 9, 1903, refusing the application made by Frank E. Snapp, for enrollment as a citizen of the Chectaw Nation.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

COPY:

Choctaw-B-369

Madagascar, Indian Territory, July 14, 1903.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of June 12, 1903, affirmed the decision of this commission dated May 9, 1902, refusing the application made by Frank H. Shapp, for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Choctaw-B-369

COPY
Muskogee, Indian Territory, July 14, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of June 12, 1903, affirmed the decision of this Commission, dated May 9, 1903, refusing the application made by Frank E. Snapp, for enrollment as a citizen of the Choctaw Nation.

Respectfully,

SIGNED

T. B. Needie

Commissioner in Charge.

CHOCTAW

R. 369

Muskogee, Indian Territory, May 21, 1900.

Mr. Chester Howe,

625 F Street,

Washington, D.C.,

Dear Sir:

The Commission is in receipt of the petition and exhibits in the case of Frank E. Snapp vs. the Choctaw Nation, forwarded by you to the Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission.

The records of the Commission show that Frank E. Snapp appeared at Atoka as an applicant for enrollment, and was refused enrollment, because it did not appear from the testimony that either he or his parents were ever on any of the rolls of the Choctaw Nation. The papers have been filed with the records of the Commission, for the purpose of forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent to him for review. Any additional testimony which he may desire to submit in furtherance of his claim will be accepted by the Commission, and filed with its records.

Yours truly,

Acting Chairman.

MISSISSIPPI
Everett Taylor

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #112.

MISSISSIPPI

R

Sallie Berryman

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 131

R-372

Francis Bearyman

Transferred to M. C. R. 720
for consideration as a
Miss. Chertaw Case.

R-375

Australia Rogers et al.

Transferred to Chetaw
R-561.

R. 374

Dulcie Barryman. & al.

Transferred to M.C.P. 131 to
be ~~transferred~~ considered
as a Miss. Choc. Case

R. 375

CHOCOTAW.

Robert Berryman, et al.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCOTAW.

REFER TO M. C. R. # 5514.

R-276.

Augusta Weston.

Transferred to M.R. 131 to be
considered as Miss
Chae. Case.

CHOCOTAW

R. 377

Ellie Sugmon

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCOTAW.

REFER TO M. C. R. # 1323

R-378

R. 378

PROCTER

378

Victoria Boyd.

A MISSISSIPPI F. H. 11

REFER TO M. C. R. # 205

Choc. R. 379

James A. Cummins

R. 379

CHOC TAW

In the matter of the application
for the enrollment of James A. Cummins
et al., as citizens by blood of the
Choctaw Nation and for the enrollment
of Cynthia A. Cummins as a citizen by
intermarriage of the Choctaw Nation.

REFUSED. MAY -9 1902

COPY OF DECISION FORWARDED
APPL. CASE MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR CHOCTAW AND
CHICKSAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT MAY -9 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUL 11 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. JUL 11 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKSAW NATIONS.

JUL 14 1903

[Handwritten signature]

R

370

R- 379

R- 379

June 25, 1906. Motion for
hearing forwarded Sept
13/07 Motion denied by.

NOTICE OF DEPARTMENTAL ACTION
MAILED PARTIES HEREIN.

APR 30 1907

R- 379

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the application of James A. Cummings for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A James A. Cummings.

Q How old are you? A Forty-two.

Q Are you on the Choctaw rolls? A No sir.

Q Have you ever been? A No sir.

Q Are your father and mother on the rolls in the Choctaw Nation?

A I am told that my mother is on the rolls.

Q Who told you that? A I had a lawyer to examine the rolls.

My mother died in 1859 in Red River County, Choctaw Nation.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Honorable Commissioner of Indian Affairs,
Washington, D. .

Sir:-

Please enter my appearance in the enclosed case of
----- J. A. Cummins, Et al. -----
on behalf of the applicant and notify me of any action taken therein.

I have the honor to be,

Respectfully,

Chester Howe.

To the Honorable Secretary of the Interior,
Washington, D.C.

Sir:

Comes now James A. Cummins and respectfully represents to your honor that he is a one-fourth Choctaw Indian by blood, being a son of Mary Mary Anderson, a half breed Choctaw woman who married a white man by the name of James Cummins; that he has lived in the Choctaw Nation for a term of sixteen years and has lived upon the public domain of the Choctaw Nation during that time and his right as a Choctaw Indian have never been disputed. That he went before the Dawes Commission at South McAlester last September when that body was enrolling Choctaw Indians and presented himself for enrollment as other Choctaws. They told me that because I was not upon the rolls of 1893 and 1896 they would have to deny me enrollment. I did not get on these former rolls because I did not think it was necessary; there were lots of full blood Indians who did not go to be registered upon these former rolls and for that reason I did not go, not thinkin that my rights would be prejudiced by not going. Affiant further states that he is a full first cousin to Andle Anderson who is a recognized Choctaw Indian and has all the appearance of a full blood, though, being only 3/4 Choctaw Indian. I have lived in the Choctaw Nation for the past sixteen years and has never been asked for a permit or been considered in any other way than as a Choctaw Indian. My parents died in Red River County, Choctaw Nation when I was a little child and a family of white people took me across the river into Texas and then carried me into Arkansas. As soon as I got to be a man I came back to the Territory and have remained here almost continuously since, and all the time during the past 16 years. I am now living and improving a farm at the head of Wild Horse Choctaw Nation, unmolested by the

Indian authorities. I was married 21 years ago to Cynthia A Smith, a white woman, and we have eight children, as follows; R. T. Ann Cummins, 18 years old, Bertie Emily Cummins, aged 16 years; Oliver Cody Cummins, 13 years old; Edith Ellen Cummins 10 years old; Stephen Alexander Cummins, 8 years old, Cicero Anderson Cummins 6 years old, Grace Ona Cummins 3 years old and Ella May Cummins, 1 year old.

My mother was the daughter of Daniel Anderson, a full blood Irishman who married a full blood Choctaw woman named Jennie in the state of Mississippi. They were married according to the Choctaw laws in the old Choctaw Nation in Mississippi and were always recognized and esteemed as Choctaws. My grandparents had a son named Daniel Anderson who married a Choctaw woman also and he is the father of Andle Anderson, Bill Anderson and a Mrs. Moore who are three-quarters Choctaw Indian and who now reside near me and are recognized citizens of the Choctaw Nation and are on the rolls as such.

Wherefore petitioner prays that he and all of his aforesaid children be ordered to appear before the Dawes Commission and that that body be by your honor directed to place the names of all of them upon the rolls now being prepared by them with all the rights, privileges, immunities and benefits of other Choctaws, and this he will ever pray.

J. A. Cummins.

Subscribed and sworn to before me this 25th day of November 1899

James E. Gresham,
Notary Public.

CITY OF WASHINGTON
DISTRICT OF COLUMBIA

SS.

Personally appeared before me the undersigned authority, J. O. Pool who being by me duly sworn says that on the 8 day of September, 1899, one J. A. Cummins who is an applicant for citizenship in the I.T. as a Choctaw Indian by blood, in the evening after coming before the Dawes Commission at South McAlester for identification and enrollment of himself and family, came and employed me as his attorney to represent in said appeal from said Commission's decision to the Honorable Commissioner of Indian Affairs and the Honorable Secretary of the Interior; that he, the said Cummins, turned over to me his written application that he had presented to the Dawes Commission, and also made an affidavit that he had appeared before the Dawes Commission on that day for identification, and that said Commission had refused to receive his application or hear any testimony in support thereof, and have made no record of his application for enrollment. And said affidavit was also turned over to me with said application, and I have lost or mislaid said application and said affidavit and their whereabouts are unknown to me this day, though I have made diligent search for the same.

J. O. Pool

Subscribed and sworn to before me this ____ day of ____
A. D. 1900.

Notary Public.

Affidavit of Witness.

Choctaw Nation }

Indian Territory } Before me, the undersigned, a Notary Public
or Clerk of the Court, in and for the county and state aforesaid,

personally appeared Salina Moore, who after being by me duly sworn, states that he is _____ years of age. A full blood Choctaw Indian and a citizen of Tobuckay County, of Indian Territory and that he is personally acquainted with James A. Cummins ^{of Choctaw Nation Indian Territory} who is an applicant for citizenship in the Choctaw Nation, Indian Territory, and affiant further states that the said James A. Cummins is the identical person he represents himself to be in his application for said citizenship in said Nation, and that the same James A. Cummins is a Choctaw Indian by blood as follows Daniel Anderson Sr. married Jinnie a full blood Mississippi Choctaw Indian in the Mississippi Choctaw Nation They had several childrens one named Daniel Anderson Jr. my father and one girl named Mary Anderson She married James Cummins and they are the parents of James A. Cummins.

This applicant for citizenship in the Choctaw Nation Indian Territory He lives in the Indian territory.

Affiant further states that he has known the said James A. Cummins for the past several years and knows that he is and has been recognized and treated by his neighbors acquaintances and the public generally, as a person having Indian blood; and the complexion, physical appearance language and manners of the said James A. Cummins indicates that the said James A. Cummins is of Indian blood. That from the above facts and circumstances and from statements made to me by the said James A. Cummins affiant states that he has every reason to believe, and does believe and know that the said James A. Cummins is of 1/4 Choctaw Indian blood.

Affiant further states that he has no interest whatever in the prosecution of the claim of the said James A. Cummins to citizenship in the Choctaw Nation, Indian Territory.

(2).

(Signed) Salina X Moore
her
mark.

Subscribed and sworn to before me this 24 day of October, A. D. 1899.

(Seal).

(Signed) James E. Gresham,

Notary Public.

My Commission expires on the 26 day of November, 1900.

Affidavit of Witness

Choctaw Nation)

Indian Territory.)

or Clerk of the Court
Before me, the undersigned, a Notary Public
in and for the county and state aforesaid
personally appeared Andel Anderson who after
being by me duly sworn states that he is 56

years of age a full blood Choctaw Indian and a citizen of Tobucksey
County Indian Territory and that he is personally acquainted with
James A. Cummins of Choctaw Nation, Indian Territory who is an appli-
cant for citizenship in the Choctaw nation, Indian Territory, and
affiant further states that the said James A. Cummins is the identical
person he represents himself to be in his application for said citi-
zenship in said Nation, and that the said James A. Cummins is a
Choctaw Indian by blood as follows. Daniel Anderson Smi. married
Jinnie a full blood Mississippi Choctaw Indian in the Mississippi
Choctaw Nation. they had several children one named Daniel Jr. my
father and one girl named Mary Anderson. she married James Cummins
and they are the Parrents of James A. Cummins this applicant for
citizenship in the Choctaw Nation, Indian Territory He lives in the
Territory.

Affiant further states that he has known the said
James A. Cummins for the past several years and knows that he is and
has been recognized and treated by his neighbors acquaintances and
the public generally, as a person having Indian blood; and the com-
plexion, physical appearance language and manners of the said James
A. Cummins indicates that the said James A. Cummins is of Indian
blood. That from the above facts and circumstances and from state-
ments made to me by the said James A. Cummins affiant states that he
has every reason to believe, and does believe and knows that the said
James A. Cummins is of 1/4 or more Indian blood.

Affiant further states that he has no interest what-
ever in the prosecution of the claim of the said James A. Cummins to
citizenship in the Choctaw nation, Indian Territory.

Wit J.E.Gresham.

his
(Signed) Andel X Anderson
mark.

Subscribed and sworn to before me this 4 day of September, A. D. 1
1899 and I further certify that I am well acquainted with the said
Andel Anderson.

(Signed) James E. Gresham.

Notary Public.

(Seal).

My Commission expires on the 26 day of November, 1900.

Affidavit of Witness.

Choctaw Nation
County of Tobucksy.

Before me, the undersigned, a Notary Public or Clerk of the Court in and for the county and state aforesaid, personally appeared Lewis Jackson, who after being by me duly sworn states that he is 40 years of age a

full blood Choctaw Indian and a citizen of Tobucksy County, of Indian Territory, and that he is personally acquainted with James A. Cummins of Choctaw Nation, Indian Territory, who is an applicant for citizenship in the Choctaw Nation, Indian Territory, and affiant further states that the said James A. Cummins is the identical person he represents himself to be in his application for said citizenship in said Nation and that the said James A. Cummins is a Choctaw Indian by blood as follows Daniel Anderson Sr. married Jinnie, a full blood Mississippi Choctaw Indian in the Mississippi Choctaw Nation. They has several childrens one named Daniel Anderson Jr. and one girl named Mary Anderson. She married James Cummins and they are the parrents of James A. Cummins. This applicant for citizenship in the Choctaw Nation Indian Territory. He lives in the Territory.

Affiant further states that he has known the said James A. Cummins for the past several years and knows that he is and has been recognized and treated by his neighbors acquaintances and the public ~~in general~~ generally, as a person having Indian blood; and the complexion, physical appearance language and manners of the said James A. Cummins indicates that the said James A. Cummins is of Indian blood. That from the above facts and circumstances and from statements made to me by the said James A. Cummins affiant states that he has every reason to believe and does believe and knows that the said James A. Cummins is of 1/4 or more Choctaw Indian blood.

Affiant further states that he has no interest whatever in the prosecution of the claim of the said James A. Cummins to citizenship in the Choctaw Nation Indian Territory.

his
(Signed) Lewis X Jackson
Mark.

Subscribed and sworn to before me this 21st day of Oct. A. D. 1899 and I further certify that I am well acquainted with the said Lewis Jackson and know him to be a person of credibility and of truth and veracity.

(Signed) D. D. Anderson.

J. A. Fnoonk

Not Public.

(Seal).

My Commission expires on the 3rd day of March, 1903.

Copy

Choc 379

United States of America
Indian Territory
Central District.

Personally appeared before me the undersigned authority William Anderson who after being by me duly sworn says that he is a Choctaw Indian by blood and a recognized and enrolled citizen of the Choctaw Nation, Indian Territory and that he is personally acquainted with James A. Cummins who is also a resident of the Choctaw Nation, Indian Territory and a Choctaw Indian by blood. That Daniel Anderson Sr., married a full blood Mississippi Choctaw Indian woman named Jennie in the Mississippi Choctaw Nation; they had several children born unto said marriage, one of which was named Daniel Anderson, Jr., and one named Mary Anderson; She Mary Anderson was legally married to James Cummins and they are the parents of James A. Cummins who is now an applicant for identification and enrollment in the Choctaw Nation, Indian Territory. Affiant says that he is 40 years old and has no interest whatever in the prosecution of the claim of the said James A. Cummins et al to said citizenship in the Choctaw Nation, Indian Territory.

(Signed) William Anderson.

Subscribed and sworn to before me this the 21 day of Oct 1899.

(Signed) J. A. Eubank
Notary Public.

My Term expires
March 3rd 1903.

(Seal)

Copy

AFFIDAVIT OF WITNESS

STATE OF Arkansas

County of Washington.

Before me the undersigned a Notary

Public or ~~Notary of the State~~

in and for the county and state aforesaid, personally appeared W R N and A R Mitchell & who after being by me duly sworn states that they is 67 and 73 years of age respectively and a citizens of Washington County State of Arkansas and that they are personally acquainted with J. A. Cummins of

who is an applicant for citizenship in the Choctaw Nation Indian Territory, and affiant further states that the said J. A. Cummins is the identical person he represents himself to be in this application for said citizenship in said Nation and that the said J. A. Cummins is a Son of Mary Anderson who married a man by the name of Cummins his given name we I dont know his Grand mother Cummins told us that his mothers name was Mary Anderson before she married cummins and to his Grand Parents and his mother side we I dont know them we I Taken J. A. Cummins when three years old in red river co Texas & through neglect we I taken no names of his connection

Affiant further states that they have known the said J. A. Cummins for the past 39 years and knows that he is and has been recognized and treated by his neighbors acquaintances and the public generally as a person having Indian blood; and the complexion physical appearance language and manners of the said indicates that the said J A Cummins is of Indian blood. That from the above facts and circumstances and from statements made to me by the said W R N & A R Mitchell affiant states that they have every reason to believe and do believe that the said J A Cummins is of Choctaw Indian blood.

Affiant further states that they have no interest whatever in the prosecution of the claim of the said J A Cummins to citizenship in the Choctaw Nation Indian Territory.

(Signed) W R N Mitchell

(Signed) A R Mitchell

Subscribed and sworn to before me this 19 day of June A.D/ 1899 and I further certify that I am well acquainted with the said W R N & A R Mitchell and know them to be a person of credibility and of truth and veracity.

(Signed) Charles L. Burns
Notary Public.

My commission expires on the 6 day of Feb 1901 1

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James A. Cummins for the enrollment of himself and his minor children, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Cody Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cleora Anderson Cummins, Grace Oma Cummins and Ella May Cummins, as citizens by blood, and for the enrollment of his wife, Cynthia A. Cummins, as a citizen by intermarriage of the Chectaw Nation.

--: DECISION :--

The record in this case shows that the principal applicant, James A. Cummins, appeared before the Commission at South McAlester, Indian Territory, at its session beginning September 4, 1899 and ending September 13, 1899, and then and there made personal application for the enrollment of himself as a citizen by blood of the Chectaw Nation, and that thereafter, on the 5th day of May, 1900 the principal applicant, James A. Cummins, filed a written application for the enrollment of himself and his minor children, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Cody Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cleora Anderson Cummins, Grace Oma

(2).

Cummins and Ella May Cummins as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Cynthia A. Cummins, as a citizen by intermarriage of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicants have never been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that these applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

Neither does it appear that Cynthia A. Cummins, for whom application is made as an intermarried citizen of the Choctaw Nation has ever been married in accordance with the tribal laws of the Choctaw Nation, to a recognized and enrolled citizen by blood of that Nation.

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the twenty-first section of the act of June 20, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the

(3).

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant was, on the 21st day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right for himself and his minor children to identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed therein by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 241), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that James A. Cummins, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Cady Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cicero

(4).

Anderson Cummins, Grace Ona Cummins, Ella May Cummins and Cynthia A. Cummins are not lawfully entitled to be enrolled as members of the Choctaw Tribe of Indians in Indian Territory, and that their application therefor should be refused, and it is so ordered.

THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY -9 1907

Choctaw R-379.

COPY.

Muskogee, Indian Territory, May 9, 1902.

J. A. Cummins,

South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your eight minor children, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Cedy Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cicero Anderson Cummins, Grace One Cummins and Ella May Cummins, as citizens by blood of the Choctaw Nation, and for the enrollment of your wife, Cynthia A. Cummins, as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 enclosure
Choctaw R-379
Registered.

Chectaw R-379

COPY.

Muskogee, Indian Territory, May 9, 1902.

Chester Howe,

Attorney at Law,

Washington, D.C.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James A. Cummins and his eight minor children, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Cody Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cicero Anderson Cummins, Grace Osa Cummins and Ella May Cummins, as citizens by blood of the Chectaw Nation, and for the enrollment of Cynthia A. Cummins, as a citizen by intermarriage of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 enclosure
Chectaw R-379.

Registered.

Chester B-379

COPY.

Muskogee, Indian Territory, May 9, 1908.

Manfield, McFerray & Cornish,

Attorneys for the Cheate and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James A. Cummins and his eight minor children, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Gedy Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cicero Anderson Cummins, Grace Ann Cummins and Ella May Cummins as citizens by blood of the Cheate Nation and for the enrollment of Cynthia A. Cummins, as a citizen by intermarriage of the Cheate Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

1 enclosure
Chester B 379.

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by James A. Cummins for the enrollment of himself and his eight minor children, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Cody Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cicero Anderson Cummins, Grace Ona Cummins and Ella May Cummins, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Cynthia A. Cummins, as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of James A. Cummins, and his eight minor children, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Cody Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cicero Anderson Cummins, Grace Ona Cummins and Ella May Cummins, as citizens by blood of the Choctaw Nation, and his wife, Cynthia A. Cummins, as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 enclosure

Choctaw R-579

Through the Commissioner
of Indian Affairs.

D.C. 17408

Copy
Department of the Interior,
Washington,

WCF. FHE.

I.T.D. 4874-1903.

June 12, 1903.

L T S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 9, 1902, you transmitted the record in the case involving the application for enrollment of James A. Cummins and his eight minor children, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Cody Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cicero Anderson Cummins, Grace Ona Cummins and Ella May Cummins as citizens by blood of the Choctaw Nation, and of his wife, Cynthia A. Cummins, as a citizen by intermarriage of the Choctaw Nation, including your decision of the same date denying said application.

The testimony furnished by the record fails to show that any of the applicants have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory. It fails to show that Cynthia A. Cummins has ever been married in accordance with the tribal laws of the Choctaw Nation, to a recognized and enrolled citizen by blood of said Nation.

Reporting in the matter June 4, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department has carefully examined the record in the case, and finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

Land.
29249--1902.

Copy
Department of the Interior,
Office of Indian Affairs,
Washington, June 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated May 9, 1902, transmitting the record relative to the application of James A. Cummins for the enrollment of himself and his eight minor children, R. T. Ann, Bertie Emily, Oliver Cody, Edith Ellen, Stephen Alexander, Cicero Anderson, Grace Ona and Ella May Cummins, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Cynthia A. Cummins as a citizen by intermarriage.

May 9, 1902, the Commission held that the applicants were not entitled to enrollment as members of the Choctaw tribe.

From the record in the case it appears that the applicants have never been enrolled as citizens of the Choctaw Nation or that they have been admitted to citizenship by the tribal authorities, the Commission or the Court. The record does not show that Cynthia A. Cummins is married to a recognized and enrolled citizen of the Choctaw Nation.

February 21, 1902, the Commission notified the principal applicant that he would be allowed thirty days from that date in which to set forth any claim he might desire to present pertaining to the right of himself and children to identification as Mississippi Choctaws, but no response was made to said notice by the applicant.

The applicants are not, under the provisions of the Act of May 31, 1900, entitled to enrollment as citizens by blood of the Choctaw Nation.

The principal applicant in this case claims descent from Jennie wife of Daniel Anderson who was not of Indian blood. Mary Cummins, nee Anderson, daughter of Daniel Anderson and Jennie, was the mother of James A. Cummins, the principal applicant. The records of this office do not show that anyone by the name of Daniel Anderson complied or attempted to comply with the provisions of the treaty of 1830. They do, however, show Jennie, wife of Istamba, received scrip in lieu of land. They had a daughter named Mollie, but the records of this office Book 102, page 552, shows that Mollie died when she was about nine years of age. In view of what the records of this office show the applicant could not be the descendant of the Jennie mentioned, and the approval of the Commission's decision is recommended.

Very respectfully,

A.C. Tonner,
Acting Commissioner.

G.A.W. (8).

COPY:

Chectaw-R-379

Muskogee, Indian Territory, July 14, 1903.

J. A. Cummins,

Scipio, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of June 12, 1903, affirmed the decision of this Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself, your wife, Cynthia A. Cummins and minor children, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Gedy Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cicero Andersen Cummins, Grace Ora Cummins and Ella May Cummins, as citizens of the Chectaw Nation.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

COPY,

Choctaw-379

Muskogee, Indian Territory, July 14, 1903.

Chester Howe,

Attorney at Law,

Washington, D. C.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of June 12, 1903, affirmed the decision of this Commission, dated May 9, 1903, refusing the application made by James A. Cummins, for the enrollment of himself, his wife, Cynthia A. Cummins, and minor children, R. F. Ann Cummins, Bertie Emily Cummins, Oliver Cody Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cicero Anderson Cummins, Grace One Cummins and Ella May Cummins, as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw-R-379

Muskogee, Indian Territory, July 14, 1903.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of June 12, 1903, affirmed the decision of this Commission, dated May 9, 1903, refusing the application made by James A. Cummins, for the enrollment of himself, his wife, Cynthia A. Cummins, and minor children, R. T. Ann Cummins, Bertie Emily Cummins, Oliver Cody Cummins, Edith Ellen Cummins, Stephen Alexander Cummins, Cicero Anderson Cummins, Grace Ann Cummins and Ella May Cummins as citizens of the Choctaw Nation.

Respectfully, (SIGNED)

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, June 25, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

May 9, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of J. A. Cummins et al. for enrollment as citizens of the Choctaw Nation and on the same day the record in this case was forwarded the Secretary of the Interior and on June 12, 1903, this action was approved by the Department.

November 16, 1905, the Commissioner to the Five Civilized Tribes rendered a decision declining to receive the application of Sarah Elms and her children for enrollment as citizens by blood of the Choctaw Nation and refusing to identify them as Mississippi Choctaws. On the same day the record in this case was forwarded the Department and this action was approved by the Secretary of the Interior, January 18, 1906.

I now have the honor to transmit herewith petition of J. O. Pool, attorney at law, for the reopening of the consolidated

case of James A. Cummins et al. and Sarah Ann Elms et al. for the consideration of the Department.

Respectfully,

Choctaw R 379

Commissioner.

Through the Commissioner
of Indian Affairs.

James A. Cummins, et al.)
VS.)
The Choctaw Nation.)

To the Honorable Secretary of the Interior, and, To the Honorable Commissioner to the Five Civilized Tribes.

In the consolidated application of James A. Cummins, et al. and Sarah Ann Elms, et al., for enrollment on the Rolls of the Choctaw Nation, before the Commission to the Five Civilized Tribes.

Comes now the following named applicants, to-wit: James A. Cummins, Roetta T. A. Thomas, Nee Cummins, Biride E. Cummins, Oliver C. Cummins, Edith E. Cummins, Stephen A. Cummins, Cisero A. Cummins, Grace O. Cummins, Ella M. Cummins, Sarah Ann Elms, Nee Cummins, John W. Elms, Malcom R. Elms, James T. Elms, and Frederick C. Elms. Cora L. Elms

And respectfully petitions the Honorable Secretary of the Interior for his supervisory authority to the end that their case may be reopened, revised and re-adjudicated, and that they may be enrolled as Choctaw Citizens, of the Choctaw Nation, Indian Territory, and as grounds for said petition, respectfully represents.

That, Daniel Anderson, a white man, married a full blood Choctaw woman, named Jennie, in the state of Mississippi, Choctaw Nation, in accordance with the usages and customs of the Choctaw People, and were the heads of a family, living in said Choctaw Nation, Mississippi, at the date of the treaty of 1830, between the Choctaw Nation and the United States, commonly known as Dancing Rabbit Creek Treaty, and were the parents of John Anderson, Rube Anderson and Joe Anderson, and may be of one or two others. And he, the said Daniel Anderson, with his wife, emigrated to the Choctaw Nation, Indian Territory, in 1832, with a large body of Indians, that were being removed by the Agents

of the United States Government, at said time, and located in Wade County, Choctaw Nation, Indian Territory. And there was born to them a daughter, who they named Mary, and she, Mary, when grown, married a man named James Cummins, in said Wade County, Choctaw Nation, Indian Territory, in accordance with the Choctaw customs, usages, as to marriages, and lived with her parents only a short while after marriage, when they both sickened and died, the mother dying first, and shortly after the father. Then Tim Cummins took his wife, Mary Anderson, and moved to Red River County, in the Choctaw Nation, Indian Territory, and there is where these two applicants, James A. Cummins and Sarah Ann Cummins, now Elms, were born. And in the year 1859 their mother, Mary Anderson, nee Cummins, sickened and died, and later in the same year their father was killed. These applicants grew to the age of majority and married, and the fruits of their said marriage is the above named children.

These applicants have always, from their birth, been recognized as Indians, and have ever lived and enjoyed the rights of Indians. Their children was admitted and attended the Indian schools, and when they moved to their present location, west of South McAlester, in the Choctaw Nation, their children drew their pro rata share of the National school money, to pay their tuition in school, in the years 1900, 1901 and 1902.

These applicants made no applications under the Act of 1895, because of the fact that they knew nothing of said Commission nor the Act of 1896 until long afterwards, and then was informed by some of the officers of the Choctaw Government, that they did not have to apply, that that Act was not intended for them, as there was no dispute about their being Indians, they having been born of the Choctaw parentage, in the Choctaw Nation and resided here, and acknowledged as part of the Tribe, and that said Act did not apply to Indians, who were in fact Indians,

and in law according to the usages and customs of the Nation. These applicants when they were informed that it was necessary to come before the Dawes Commission for enrollment, did so at the first opportunity that presented itself, and made application as Choctaws by blood. They were afterwards ask by the Commission to make application as Mississippi Choctaws. This they refused to do, because they were actually in fact, Indian Territory Choctaw Indians, being born in the Indian Territory to the allegiance of their mother, and her being born in the Indian Territory, in allegiance to her parents and to the Choctaw Nation.

Therefore, they could not apply, as they were informed by those, who they thought knew best, and by Officers that they could not apply as Mississippi Choctaws.

These applicants applied within the limitation fixed by law to it, prior to the Act or the Atoka Agreement of 1902. Therefore, their application being made prior to that time and in the year 1900, was in ample time to be considered and enrolled as Choctaw Indians by blood. There being no Rolls from the year 1830, kept in the Choctaw Nation, up to the year 1885, and then only a partial Roll, as shown in the report of the Commission to the Five Civilized Tribes, heretofore made to the Department. Then this mother, the mother of these applicants, being born after the year 1830 and dying before the year 1885, could not appear on any Roll, but her parents were on the Rolls, made by the United States Government to those emigrated and became Citizens of the Indian Territory, under the direction of the United States Government. Therefore, the grand-parents of these children are on that Roll, and these children being born in the allegiance to such parentage, and being recognized as Indians, are by virtue of their birth, the same as enrolled citizens themselves. As held by the Attorney-General in the case of Lula West, that

the status of their mother already existed by birth, in allegiance to her parents, and through her status, the status of these applicants already exist, by the allegiance of their birth and status of their parents and grand-parents, and as held in same case, the Commission had no power to deny enrollment of such an application. This was decided on May, 21st. 1903, in the Choctaw case of Wiley Adams, and it is held by the Attorney General in several other cases, that the allegiance and status of the parents and grand-parent is the allegiance and status of the children. And the Attorney General says, in the Angeline White case, that the Act of June, 28th. 1898, directed the Commission to make or compile from the tribal Rolls a correct Roll, and to add two classes of persons, whether found upon the tribal Rolls or not, Viz., descendants born to lawfully enrolled Choctaws or Chickasaw Indians, and who are entitled under the treaties and laws of such Tribes to citizenship therein.

He further says, the applicant herein is clearly within Article XXXVIII of the Treaty of April 28, 1866, (14 Stat. 769, 779) between the United States and the Choctaw and Chickasaw Nations. By the terms of that provision, she is to be deemed a member of said Nation. The Act of June 28, 1898, Supra, expressly directs the Commission to enroll this class of persons and the Act being later in time and unequivocal in terms, without exception or limitation, is an express mandate to the Commission, regardless of any former adverse action it may have taken in such case.

These applicants, James A. Cummins, and Others are identical with the holdings of the Attorney General as above cited in the Angeline White case.

Wherefore, to reject these citizens, is the rejection of the decisions of the Attorney General and of the Secretary of the Interior, because he has approved said decisions.

Therefore these applicants pray your Honor, that their case be reopened and re-adjudicated and for enrollment, because of their birth in the Nation and being enrolled Choctaw Indian, Decent, and of the past recognition by the Nation, and because of the decisions of the Attorney General and the laws of 1906.

And in support of which we further quote the Decisions of the Attorney General, as follows, to-wit:

The Attorney General in the Long case, for enrollment as a Mississippi Choctaw, other than those claiming under Article 14 of the Treaty of September, 27th. 1830, (7th. Stat. 335) and their descendants to reunite with the Nation, quotes the Act of June 28, 1896 (30th. Stat. 495, 503) which provided:

"No person shall be enrolled, who has not heretofore removed to and in good faith settled in the nation in which he claims Citizenship, provided, however, that nothing contained in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws or treaties with the United States.

He further states in this case: There is thus, provided the rights of descendants in the third generation, asking restoration to political relation to the tribe, from which their ancestors became, by voluntary Act, or by operation of law, dissevered:"

It is a matter of history that the migration of the Choctaw people from their ancient to their present western seats, was not at one time by all of the tribe, nor yet at one time by these elements of it whose descendants now constitute the Choctaw Nation. Only about one-half of the tribe left their old seats in the first general movement in 1831 and 1832. The United States transported various bands and some parties migrated at their own expense. The records of the Indian Office show that in 1845 and 1856, the Choctaw Nation, as now constituted, presented claims against the United States arising out of these migrations. That the present Choctaw Nation did not, at the time of migration nor for a long time thereafter, regard those who failed to emigrate as unentitled to possess and share the tribal lands and property equally with themselves whenever they should emigrate, is evident from the legislation of the Nation. As early as October 9, 1837 (Choctaw Laws 1869, P.73) the Council prohibited settlement or purchase of improvements on the tribal lands from the citizens of any State. "Not a descendant of the Choctaws."

Decendants from Choctaws were not regarded as intruders, but as having rights without special act of Council, to appropriate Tribal lands and to purchase improvements thereon, October 14, 1847, "The late and New decendants" (ib. P. 96) was declared to have equal rights with the old settlers in the schools of the Indians. This was not a grant or concession, but a mere declaration of right, not of right as residence or as Indians, but as Choctaws, for by the resolution of October 11, 1858 (ib. 177) other Indians (Creeks) were regarded as intruders and were asked to be speedily removed.

The Choctaw Nation and Government are now existing, was organized under a constitution drafted by a convention assembled January 11, 1860, pursuant to the Act of October 24, 1859, by the Choctaw Council. The preamble to that instrument declares that:

"We, the representatives of the people, inhabiting the Choctaw Nation contained within the following limits, to-wit:.... do ordain and establish the following constitution and form of Government and do mutually agree with each other to form ourselves into a free and dependant Nation, not inconsistent with the constitution, treaties and laws of the United States, by the name of the Choctaw Nation."

The first action of the Bill of Rights declared that: "All free men, when they form a social compact, are equal in rights," and all free citizens of eighteen years and upwards, who had been citizens six months, and residence in their election district at least one month, were declared qualified electors by section 7, Article VII.

There was nothing in the instrument defining citizenship in the Choctaw nation, how it might be acquired or lost, or limiting the operation of it to such residence of its Territory as were members then of the Choctaw Tribe. If it was so intended, and is to be so limited by constitution, it must be so done from consideration of matters outside the instrument itself. Upon its face it embraces all "inhabiting" the Territory within its defined boundaries, and by the same word excluded all per)

sons, Choctaws or not, not "inhabiting" those defined limits.

The Choctaw Nation, however, continued to solicit a reintegration of the absentees of the Tribes into the Nation. When allotment of the Choctaw-Chickasaw lands were contemplated by the treaty of 1866 (14 Stat. 769) Article XIII provided for newspaper publications of notice in six states of the union.

To the end that such Choctaws and Chickasaw as yet remained outside of the Choctaw and Chickasaw Nations, may be informed and have an opportunity to the exercise and rights hereby given to residents Chocoyaws and Chickasaws.

This was conditioned upon the absentee taking up an actual residence in the Nation within five years after selection of his allotment. By Article XV "Every Choctaw and Chickasaw" (Not Citizens or residence merely) was given a ninety days preference right to select a quarter section of land.

No restriction or condition was imposed upon anyone, claiming Choctaw decent establishing residence in the Nation and thereby acquiring full rights of citizenship, October 16, 1876 (Laws 1887, 172) a tribunal for citizenship was established, and the act provided that:

"Any person who is not recognized as a citizen of the Nation, or of Choctaw Descent, and claiming to be a citizen, or of Choctaw Descent shall petition to the General Council during the regular session thereof, for the rights and privileges of Citizenship of the Choctaw Nation.

Such petitioner shall prove his or her blood, or other means by which they claim citizenship, by not less than two good, respectable Choctaws, disinterested persons, before a proper committee, or the chairman thereof; and the chairman or secretary of the committee shall have power to administer any and all oaths that may be necessary in conducting the investigation. The Committee aforesaid to be appointed by the General Council

and to report to the body, by act of resolution, or otherwise, in reference to the petition or petitions of the person or persons claiming to be citizens or of Choctaw blood descent, and in the event of the adoption of such report of the committee, then such person or persons shall thereafter be deemed to be bona fide citizens of the Choctaw Nation.

The peculiar wording or of Choctaw Descent, itself implies that one of acknowledged Choctaw descent became a citizen by mere settlement in the Choctaw Nation. The Act of October 2, 1862, (ib. 174) gave an appeal in such cases from adverse action of the Council to the United States Indian Agent. Until after this time, the right to become a Choctaw citizen seems to have ^{been} fully and unqualifiedly conceded to all persons of Choctaw descent, by mere settlement and residence in the Nation, the only procedure required being for record proof of the right, which arose as of course, upon proof of the facts of descent and residence.

An Act, apparently of November 1886, (laws 1894, 266) imposed a restriction of one-eighth Choctaw blood as necessary to acquiring citizenship in the Nation.

Section 4 significantly provided: "That this Act shall not be construed to effect persons within the limits of the Choctaw Nation, now enjoying the rights of citizenship, thus showing that persons of Choctaw descent, entitled to be recognized as citizens, but not yet formally recognized by the Council, or admitted to the Rolls, were residing in the Nation, enjoying and entitled to enjoy the rights of citizenship."

The Act of October 30, 1883, (ib. 227) constituted a tribunal for citizenship, by a committee of the General Council, and still recognized that satisfactory proof of Choctaw descent and residence in the nation entitled an applicant to full recognition as a Choctaw Citizen.

The second section of this Act provided:

"It is hereby made the duty of the sheriff of each county in this Nation to ascertain the names and number of persons, or parties in their respective Counties, who claim Choctaw rights, by blood or otherwise, and who have never established the same in accordance with the laws of this Nation, and report the same to the Principal Chief immediately.

Every such person living in this Nation and claiming to be citizens by blood, or otherwise, and who shall fail to comply with the provisions of this Act, after having been duly notified thereof by the sheriff, or other authorized persons, shall be deemed and considered an intruder, and shall be removed beyond the limits of the Nation forthwith by the Principal Chief."

An Act of the same day, (ib. 288) made the action of the Council upon application for citizenship final. This Act, however, did not deny the right of an absentee Choctaw to acquire citizenship, by taking up residence in the Nation, but made the Council the final tribunal upon the sufficiency of proof.

As late as December 24, 1889, the Choctaw General Council memorialized Congress by a resolution that:

Whereas, there are large numbers of Choctaws yet in the states of Mississippi and Louisiana, who are entitled to all rights and privileges of citizenship in the Choctaw Nation, and,

Whereas, they were denied all rights of citizenship in said states, therefore,

BE IT RESOLVED by the General Council of the Choctaw Nation, assembled: That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said states to the Choctaw Nation."

This policy was maintained by Act of April 8th. April 9, and October 27th, 1891, Mrs. Annie Boyd and others, Cornelious Hickman and others, and Henry Lewis, Mississippi Choctaws, late arrivals, were simply recognized by the Council as citizens (Laws 1896, pages 320, 313, 329). This form "declared" or "recognized" rather than "Admitted" was the usual one and was used in the Acts declaring Mrs. Mayo and family, Joseph R. Plumer, Carolina Hazel and others, and Lucy Dodson and Others, entitled to citizenship (Laws 1883, pages 25, 45-46).

It was always regarded as a matter of right of such persons, not of grade or grant in the nature of adoption, admission or naturalization of alien. This policy seems not to have been abandoned until October 16, 1895, when the Council, adopted the resolution (Laws 1896, page 4). That :

"Be it resolved by the General Council of the Choctaw Nation assembled: That all parties who claim citizenship to the Choctaw Nation and intend proving the same, are hereby notified that they must file their petitions as the law directs, on or before November, 15 1896, as after said date no petition will be entertained by the Choctaw Nation and all parties who have their petitions filed are hereby notified that they must come forward and prosecute the same at once.

September 18, 1896, (ib. page 43) an Act was passed by the Choctaw Council for appointment by the Principal Chief of three citizens by blood by a commission to proceed within ten days after its passage "To enroll all recognized citizens of the Choctaw Nation", and section 3 provides:

"Be it further enacted, that the Rolls, when completed by said Commission, shall be certified by said commissioners and delivered to the principal Chief, of the Choctaw Nation, on or before the twentiethday of October, 1896, to be revised and approved by the next General Council of the Choctaw Nation."

Such a Roll was made and prepared by the Commission and is known as the 1896 Census Roll. As stated by the principal Chief of the Choctaw Nation, in a letter of July, 22, 1897, to the Commission, there is "Only one authenticated Roll of Citizens, and that is the one approved by the Legislature in 1896.

"This, I infer, was the Roll prepared under the Act of September 18, 1896.

The view taken by the United States Courts for the Indian

Territory, acting on cases appealed from decisions of the Daws Commission in citizenship cases under the Act of June 10, 1896, (29 Stat? 339) was that (1) Mississippi (or absentee) Choctaw, whose ancestors or themselves had never removed to the Nation were no entitled to be enrolled, but (2) that one who had heretofore actually removed to Nation was entitled to be enrolled as a citizen, with all rights, except those who had taken; benefit of the 14th. Article of the Treaty of September 27th. 1830 (7th. Stat. 333, 335) were excluded from sharing in the annuities, Jack Amos, et al. (Ann. Rep. Com. Indian Affairs, 1898, page 459) E. J. Horne (ib. page 465); general summary (ib. 475). The Court in Jack Amos, supra expressed the opinion (ib. page 114) that:

As an evidence that the Choctaw People themselves took this view of the question, attention is called to the fact that their Council passed many Acts and resolutions inviting these absent Choctaws to remove into their County, and, on one occasion, appropriated a considerable sum of money; and until the past two or three years have always promptly placed those who did return on the Rolls of Citizenship, but never enrolled an absent Choctaw Indian as a citizen page 16.

The reason for this conclusion is, to my mind, morally certain, that it is remembered ever since the Treaty of 1830, now for a period of nearly sixty-seven years, with the exception of the past two or three years, the Choctaw Nation, by its legislative enactments, and by its acts so long continued, that by custom they have become crystalized into law, having unversally admitted all who should remove and rehabilitate them in all the rights and privileges of citizenship enjoyed by themselves.

The only limitations imposed by Congress and the Laws of the United States is the provision of the Act of June 28, 1898 (30 Stat. 495, 503), that, "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

So far as a bar is raised by the Laws of the United States, it is sufficient if a claimant to citizenship in the Five Civilized Tribes removed to and permanently settled in the Indian Territory, wherein he claims to be enrolled prior to June 28,

1898. This we did.

Subject to the power of Congress, The Indian Nations are selfgoverning communities entitled to controll and manage their own affairs such as citizenship, rules of descent, revenue and criminal procedure, Roff VS. Burney (168 U. S. 218, 222), Citizenship cases, U. S. Courts, Indian Territory (Annual Report Commissioner of Indian Affairs, 1898, pages 473, 499, 525); Jones V Mohan(175 U. S. I.); Buster VS. Wright, Indian Inspector, Sanborn Jr., Eight Circuit, March 7, 1898) Talton V. Mayes (163 U. S. 376, 385); U. S. V Kagama (118 U. S. 375, 391).

Except as above limited, it is wholly a matter of Choctaw Law, when a Choctaw by blood becomes separated from the Nation and isotright to reunite himself to it, Congress so directed the Commission, and by Act of June 10, 1896, (29Stat. 321,339) Provided:

That in determining all such applications said Commission shall respect all laws of the several Nations, or Tribes, not incoodisistent with the Laws of the United States, and all treaties with either of said Nations of Tribes, and shall give due force and effect to the Rolls, usages and customs of each of said Nations or Tribes.

As the Choctaw Nation, up to November 15, 1895, was continually inviting the absentees to reunite themselves with its body and accept its citizenship and the applicants accepted that invitation and personally located in the Nation, it was their right under the Act of 1896, supra to be enrolled by the Commission to the Five Civilized Tribes, or by "the legally constituted court or committee designated" by the Tribes if they made application therefor within the three months from the passage of the Act.

By the usages and customs of the Choctaw Nation of Sixty years standing, crystallized in to law, they were entitled to be recognized as its citizens. This enrollment was not an admis-

sion to citizenship but merely the recognition of citizenship existing."

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat. 495) provided that:

"Said Commission is authorized and directed to make correct Rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such Rolls were made, with such intermarried white person as may be entitled to Choctaw and Chickasaw Citizenship under the treaties and laws of said Tribes".

I am of the opinion that the Commission erred in its application of the law to the facts. As above shown, until November 15, 1895, the usage and custom of the Choctaw Nation for more than sixty years was to recognize absentee Choctaws upon their removal to any permanent settlement in the Nation. No admission to citizenship was, by the usage of the tribe, necessary. When applicants removed to the Nation in 1894, they thereby became citizens. The Council, could not, by prohibiting its Committee by enrolling a class of citizens for no cause except its own non-action, decitizenize them unheard. Were that its intent, I would have no hesitation in saying that such arbitrary action was beyond its power and in clear violation of section II of the Bill of Rights of the Choctaw Constitution as an attempt to outlaw or deprive a class of citizens of their liberties and privileges unheard.

But a more appropriate and proper construction of the 7th. prohibiting clause in the Act of October, 30, 1896, above quoted, is that it was intended to apply to cause to apply to cases of non-citizens, who had applied for admission or adoption into the Nation, and whose claim had not been heard and found to be undoubted, and whose claims had been rejected. So construed, the prohibition was a proper exercise of legislative power, but had no application to those who, by tribal usage, became citizens by

reuniting with the Nation in 1894 . In putting the omitted names of such persons on the roll, the revisory board and the Governor in so advising, were not acting properly and within their powers. I am, therefore, of the opinion that applicants were not enrolled without authority of law, and certainly not by fraud, and the Commission erred in denying the enrollment.

There was no regular tribal rolls kept from Father to Son, or from ancestry to descendants in the Choctaw Nation during the year 1830 to 1900.

And that during the year after the removal of the Choctaw people from Mississippi, invitation after invitation was sent out by the Choctaw Nation, and it was understood, that all who would, could remove to the Choctaw Nation, and could affiliate with the Nation in the Indian Territory. Their rights have never been questioned, the fact of blood being apparent and undoubted, and that they are and were a portion of the Choctaw People, to whom it was the intention of Congress to distribute equally the Choctaw lands in the Indian Territory, That your petitioners are entitled to a reconsideration of the Honorable Secretary in said case upon the regular question involved with relation to the consideration and the weight to be given to the presumption of evidence.

The rights of these applicants, as Choctaws by blood entitled to enrollment upon the Rolls of the Choctaw Nation was never passed upon by the Commission to the Five Civilized Tribes SOLE BECAUSE OF THE FACT THAT THEY FAILED TO APPLY WITHIN THE TIME PROVIDED BY THE LAW OF 1896.

Said failure was not on account of any fault of these applicants as they knew nothing of said requirements until long after the time for application under said law had expired.

The Attorney General says in the case of Scott S. Dumas, et. al. an application for indentification as Mississippi Choctaws, and said holding approved by the Secretary of the Interior, says The lack of Reccord evidence of the right cannot bar one entitled to the benefits, and that it necessarily follows that any competent secondary evidence, by parole or otherwise, maybe availed or to prove said rights: also the Secretary holds in the Richard S. Coleman et al. case says:

"That the Commission is authorized and directed, to make correct rolls, of the citizens by blood of all the tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law.

Again, in same case, he says: "That Congress in its Legislation defining the powers and duties of the Commission, declared that the Commission shall respect all laws of the several tribes not inconsistent with the laws of the United States, and shall give due force and effect to the rolls, usages and customs of each of Said Nations or Tribes.

Again in same case, he says: "One knows nothing of his lineage and it is always a matter of tradition."

He further holds in the Mary Elizabeth Martin case, that allegiance of birth is obtained by succession to the allegiance of the parent.

He further holds: "In no state, so far as I am aware of, has it ever been held that the offspring of a citizen is a born stranger to its parents allegiance."

(These applicants, unless they be held to be born strangers to the allegiance of their parents and fore parents, as stated by the Attorney General, are entitled to enrollment)

Again in the Act of 1906, commonly called the Curtis Act, the Senate Committee sought to grant relief to this class of Indians, and so permitted this amendment, authorizing the enrollment by blood. Afterwards under the decision of the Attorney General, stating that all who were born to the allegiance of the Choctaw Nation, were virtually upon the rolls and were legal citizens, although their individual names did not appear upon the rolls. As they construed the opinion of the Attorney General to cover this matter, they then changed the amendment and authorized the enrollment of all those or their descendants who appeared on any original roll. This covered the proposition of these people, Esaw Wolf, the Sallie Berryman case, and the Frank Love case, to give relief. For I, myself, was before the Committee and presented the cases of these applicants, and was informed by the Chairman and other members of the Committee, that they would grant them relief. So these applicants being parties to the cause that created the amendment, and because of their grand-parents being removed by the Government, in 1832, with the other Indians from Mississippi to the Indian Territory, and because of having lived thereafter in the Indian Territory, during their natural lives, enjoying and entitled to rights, and because of the birth of these applicants mother, being to the allegiance of her parents, and to the Choctaw Nation, Indian Territory, and lived to womanhood, married and gave birth, under said marriage, to these two applicants, in Choctaw Nation, Indian Territory.

That their identity is unquestionable, and they are truly in fact a part of the Choctaw Nation, and under the laws, usages and customs of the Choctaw Nation, there is not an Indian on the roll to-day, who was more entitled to enrollment than those applicants.

The object of Congress is to take care of the Choctaw In-

dians by blood, and not to eliminate them from their Tribe. Congress is honest in its enactments, and if properly construed, they will never prohibit the enrollment of resident Indians by blood. This would be in violation of treaty rights, granted under the solemn pledge of the United States Government. Therefore in the construction of the laws and their application to the contrary, is erroneous and wrong.

Wherefore the applicants contend that the limitation of time in the Act of Congress of 1896, is void as to this class of Indians, that is Indians by blood. Because of the fact it would be in controvention of Treaty rights, and Congress is without authority to change, modify or place any restrictions upon treaty rights without the consent, and being acquiescent in, by the other party of said Agreement or Treaty.

Congress seeks to evade this in every Act, even in the act of 1896, by saying that nothing therein shall be so construed as to militate against rights, conferred by treaty. Therefore, the rights of the Indians by blood, as that of these, is a treaty right and not subject to the limitation placed in the Act of 1896, nor any subsequent limitation or Act of Congress. Again, the Act of Congress of 1898, eliminates, if not by express words it does by implication and inference, the limitations of the Act of 1896. By saying nothing herein, shall militate against rights conferred by treaty.

Therefore, these applicants are entitled to consideration, as Indians by blood. The decision of the Attorney General, settled as to what is tribal status in the Long Case.

Under this decision we claim that the tribal status of these applicants is fixed, as shown by the testimony in said cases, and that they are entitled to enrollment.

Again the Act of 1902, ratifying the Atoka Agreement, which also placed the limitations upon applicants, is void as to this class of applicants, for the

same reason, it militates against Treaty Rights.

And on the 20th. day of October, 1904, the Choctaw Council passed an Act, in which is authorized the Principal Chief to appoint a Commission, composed of three members, for the purpose of enrolling such children of Choctaw Parentage, as have been born since September 25, 1902. And Sect. 2, of said Act also authorizes said Commission to enroll such delinquent Choctaws as heretofore have had a tribal status. This within itself, shows that the Choctaw Nation considered tribal status fixed to all who were born of Choctaw blood, and residence in the Indian Territory. Therefore, it is a settled fact, that these applicants, have a fixed tribal status. Their grandparents, being removed by the Government, from Mississippi, to the Indian Territory, fixed their tribal status. Then they residing in Wade County, Choctaw Nation, from said time of removal up to their death, shows that they had a tribal status, the same as their parents, and these principal applicants being born to said allegiance and status, possess the same as that of their parents and grand-parents, it being an inherited right by birth, and this is strictly in line with the decisions of the Attorney General, approved by your Honor, E. A. Hitchcock, in the Long case.

Then again, the Choctaw Nation itself, acknowledged the tribal status of these applicants, by permitting them to enjoy political rights and educational rights, equal to that of all other Choctaw Indians, in that. That the children of these two applicants, who are here joined as applicants, were scheduled as Choctaw Indians by the School Board of said Nation, and attended the Choctaw schools as other Indians. And their tribal status was still further recognized by the Choctaw Nation and the United States Government, by issuing and paying to them National money, for school purposes, equally proportioned with other Choctaw Indian Children, in the years 1900, 1901 and 1902. And again, their tribal status was acknowledged by the Indian

Courts of the Choctaw Nation, by issuing permits to white men as farmers, under these applicants, and in the name of the above applicant, James A. Cummins, recognizing them as residence Indians, equal in rights with all resident Choctaw Indians, of said Tribe.

Wherefore, because of the foregoing facts, as indicated in said petition, they being true and correct, and in accordance with the decisions of the Attorney General, in the Scott S. Dumas case, the Elizabeth Martin case, the Oliver Sills case, the Benjamin Vaughn case, the Lula West case, the W. C. Thompson case the Perry case and especially the Long case and others, and the Act of Congress of 1906.

We pray your Honor, to re-open, revise, re-consider and re-adjudicate our case, and for enrollment,

I. As a Choctaw Indian by Blood.

II. As descendants of Mississippi Choctaws, upon the legal and final rolls of the Choctaw nation, Indian Territory, and declared to have equal rights with all legally enrolled Choctaw Indians, of the Indian Territory, and as members of said Tribe. Should your Honors find against us, then we pray for a decision, as to who we are, of what nationality we belong and as our political status.

J. A. Cummins.

UNITED STATES OF AMERICA }
CHOCTAW NATION }
INDIAN TERRITORY. }

Personally appeared before me, the undersigned authority, James A. Cummins, who after being duly sworn, according to law, on oath states:

That he is the principal applicant in the foregoing case, titled in his name, James A. Cummins, et. al. VS. The Choctaw Nation. That he has resided in the Choctaw Nation, Indian Territory, all his natural life, subject to the laws, usages and customs of his, the Choctaw Tribe of Indians, exercising political rights. That he has read the foregoing petition, and the facts contained therein, are true and correct. That a copy of this petition, with the exhibits and affidavits thereto attached, have been forwarded to Messrs. Mansfield McMurray & Cornish, attorneys for the Choctaw Nation, Indian Territory, at their Post Office, to-wit: South McAlester, Ind. Ter. The receipt of the Post Master, for the registered letter, containing said copy of this petition, is hereto attached of r proof of service.

J. A. Cummins.

Subscribed and sworn to before me by James A. Cummins, as being true and correct to the best of his knowledge, this the 2 day of June, A. D. 1906.

(SRAL)

W. T. Hardy.
Notary Public.
Com exp July 19-1909

(Registry Receipt Attached).

UNITED STATES OF AMERICA)
CHOCTAW NATION)
INDIAN TERRITORY.)

Personally appeared before me, the undersigned authority, Roetta T. A. Thomas, who, after being duly sworn, according to law, on oath states:

That she is one of the applicants in the foregoing case, titled James A. Cummins, et. al. VS. The Choctaw Nation. That she has resided in the Choctaw Nation, Indian Territory, all her natural life That she has read the foregoing petition, and the facts therein contained are true to the best of her knowledge.

Roetta T. A. Thomas.

Subscribed and sworn to before me, Roetta T. A. Thomas, as being true and correct to the best of her knowledge, this the 4 day of June, A. D. 1906.

Edward D. Sittel
Notary Public.

(SEAL)

my comision expires march 20, 1909

UNITED STATES OF AMERICA)
CHOCTAW NATION)
INDIAN TERRITORY)

Personally appeared before me, the undersigned authority, Birdie E. Cummins, who, after being duly sworn, according to law, on oath states:

That she is one of the applicants in the foregoing case, titled James A. Cummins, et. al. VS. Yhe Choctaw nation. That she has resided in the Choctaw Nation, Indian Territory, all her natural life. That she has read the foregoing petition, and the facts therein contained are true to the best of her knowledge.

Birdie E. Cummins.

Subscribed and sworn to before me by Birdie E. Cummins, as being true and correct to the best of her knowledge, on this the 4 day of June, A. D. 1906.

My Commission expires March 20, 1909.

Edward D. Sittel
Notary Public.

G. R.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE.

D. C. 9642-1907.
I. T.D. 3132-1907.

February 15, 1907.

L. R. S.

Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 25, 1906, you transmitted a petition for the reopening of the consolidated Choctaw enrolment case of James A. Cummins, et al.

Reporting February 12, 1907 (Land 54756-06), the Indian Office recommends that said petition be denied. A copy of its letter is inclosed.

In view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the rolls on or before March 4, 1907, the Department is not warranted, upon the showing made, in granting the motion made herein. Said motion is hereby denied.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan,

First Assistant Secretary.

1 inc. and 5 for Ind. Of.

A. F. Mc.

2-16-07.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
36889-1903.
5998-1906.
54756- "

WASHINGTON.

February 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of June 25, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who says that on May 9, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of J. A. Cummins et al. for enrollment as citizens of the Choctaw Nation, and on June 12, 1903, this action was approved by the Department; that on November 16, 1905, the Commissioner to the five Civilized Tribes rendered a decision declining to receive the application of Sarah Elms and her children for enrollment as citizens by blood of the Choctaw Nation and refusing to identify them as Mississippi Choctaws, which action was approved by the Department on January 18, 1906.

Commissioner Bixby now transmits a petition of J. O. Pool, an attorney-at-law, for the reopening of the consolidated cases of James A. Cummins et al. and Sarah Ann Elms et al., for the consideration of the Department.

It is true, as alleged in the petition of the applicants, that Daniel Anderson, alleged to be their ancestor, was a recognized member of the Choctaw Nation east of the Mississippi River in 1830, and was transported west by the Government, together with his family, consisting of fourteen persons, arriving in the Choctaw Nation west on February 11, 1832. It is shown by the records submitted by the applicants and admitted in their argument that neither they nor their parents were ever enrolled as citizens of the Choctaw Nation, their entire contention being based on the enrollment and recognition of the grandparents of the principal applicants and the great-grandparents of their children.

In the judgment of the Office a failure of recognition of any of the members of the family during a period of fifty years, and the absence of their names from the tribal rolls, must be conceded to be evidence of failure of recognition, and the Department would not be justified in holding at the present time that these persons are entitled to enrollment.

For this reason I recommend that the petition for rehearing be denied, and enclose the original records in the cases.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBH-Y.

Y-E-370

Muskogee, Indian Territory, April 30, 1907.

James A. Cummins,

South McAlester, Indian Territory,

Dear Sir:

You are hereby advised that on February 15, 1907, the Secretary of the Interior denied the petition for reopening of the consolidated Choctaw enrollment case of James A. Cummins, et al.

Respectfully,

Acting Commissioner.

7-R-379

Muskogee, Indian Territory, April 30, 1907.

J. O. Pool,
Attorney at Law,
Nocona, Texas,

Dear Sir:

You are hereby advised that on February 15, 1907, the Secretary of the Interior denied the petition for reopening of the Choctaw enrollment case of James A. Cummins et al.

For your information there is inclosed herewith a copy of Departmental letter of February 15, 1907, above referred to.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

LM 2/30.

7-R-379

Muskogee, Indian Territory, April 30, 1907.

Chester Howe,
Washington Loan & Trust Building,
Washington, D. C.,

Dear Sir:

You are hereby advised that on February 15, 1907, the Secretary of the Interior denied the petition for reopening of the consolidated Choctaw enrollment case of James A. Cummins, et al.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

9-R-379

Muskogee, Indian Territory, April 30, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on February 15, 1907, the Secretary of the Interior denied the petition for the reopening of the consolidated Choctaw enrollment case of James A. Cummins et al.

For your information there is inclosed herewith copy of Departmental letter of February 15, 1907.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

LM 3/30.

CHOCTAW.

R 379

Muskogee, Indian Territory, May 24, 1900.

Mr. Chester Howe,

623 F Street, N.W.,

Washington, D.C.,

Dear Sir:

The Commission is in receipt of the petition, affidavits and exhibits in the case of James Cummings vs the Choctaw Nation, forwarded by you to the Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission.

The records of the Commission show that James A. Cummings appeared as an applicant for enrollment at South McAlester, and was refused enrollment because it did not appear that either he or his parents had ever been upon any rolls of the Choctaw Nation. The petition and affidavits have been filed with the records of the Commission, and any other testimony which he may desire to submit in furtherance of his claim will be filed by the Commission.

Yours truly,

Special Chairman.

Muskogee, Indian Territory, January 19, 1901.

James A. Cummings,

Seipie, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 15th instant in which you state that you are in receipt of a letter from the Department of the Interior notifying you that the papers in the matter of your application for enrollment as a citizen of the Choctaw Nation have been filed with this Commission.

You now desire to be informed if your name and the names of your family are on the rolls of citizens of the Choctaw Nation.

Replying to your letter you are informed that the records of this Commission show that at South McAlester, Indian Territory in the summer of 1899, J. A. Cummins appeared before the Commission and made application for the enrollment of himself and eight minor children as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Cynthia Cummins, as an intermarried citizen of the Choctaw Nation.

The Commission at that time refused the enrollment of the parties to this application and on May the 24th, 1900, there was accepted by this Commission and filed and made a part of the record in this case, the original petition of J. A. Cummins, the affidavits of J. O. Poole, Salina Neare, Ande Andersen, Lewis Jackson William Andersen and A. R. Mitchell.

The Commission's refusal of the application for enrollment of these parties was for the reason that it does not appear from the

J A G S

evidence or from the records in the possession of the Commission that the names of any of the applicants have ever been upon any of the tribal rolls of the Choctaw nation nor that they have been admitted to citizenship in said nation either by the tribal authorities thereof or by the Commission to the Five Civilized Tribes under the act of Congress of June 10th, 1896, or by the United States Court in Indian Territory on appeal.

Yours truly,

T. B. Needles,

Acting Chairman.

7-B-376

W.C.B.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIZBY,
THOMAS E. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-379

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 21, 1902

In the matter of the application of
J. A. Cummins for the enrollment of
himself and Cynthia A. Cummins,
R.T. Ann Cummins, Bertie Emily Cummins,
Oliver Cody Cummins, Edith Ellen Cummins,
Stephen Alexander Cummins, Cicero
Anderson Cummins, Grace Ona Cummins, and
Ella May Cummins as citizens of the
Choctaw Nation.

To J. A. Cummins,

South McAlester, Indian Territory,

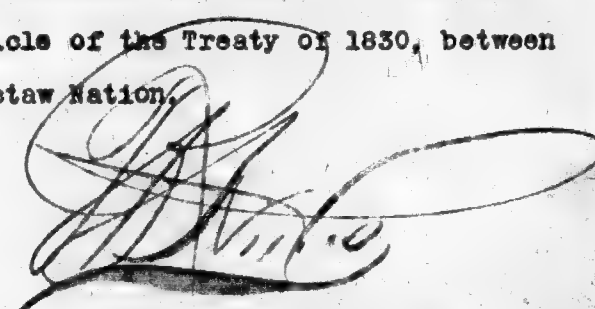
You are hereby notified that you
will be allowed thirty days from the date hereof, to submit to this
Commission an affidavit, corroborated by two witnesses, showing
that you and the other applicants are entitled to be identified
as Mississippi Choctaws under the act of Congress of June 28, 1898,
which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts

J. A. C., 2,

necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you and
the other applicants are descendants of Choctaw Indians who resided
in the state of Mississippi in 1830, and that your ancestors, such
Choctaw Indians, complied or attempted to comply with the pro-
visions of the fourteenth article of the Treaty of 1830, between
the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

Choctaw R-378

Muskogee, Indian Territory, April 6, 1902.

O. P. Robinson,

Scipio, Indian Territory.

Dear Sir:

The Commission is in receipt of letter from Mansfield, McMurray & Cornish, South McAlester, Indian Territory, requesting that you be advised as to the citizenship status of J. A. Cummings, who claims to be a Choctaw or Chickasaw.

You are advised that the records of this Commission show that at South McAlester, Indian Territory, in 1899, J. A. Cummins appeared before the Commission and made application for the enrollment of himself, his wife and his eight minor children as citizens of the Choctaw Nation.

It does not appear that these parties have ever been upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission or that they have been admitted to citizenship in that nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 16, 1896.

In this connection your attention is invited to the following provision of the act of Congress of March 3, 1901:

OPR 2

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

The Commission has not up to this time rendered an opinion in the matter of the application of J. A. Gummie for the enrollment of himself and family as citizens of the Choctaw Nation, but contemplates doing so in the near future, which decision will be duly made known to him when rendered.

Yours truly,

Commissioner in Charge,

Muskogee, Indian Territory, April 5, 1902.

Mansfield, McMurray & Gernish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant requesting that the Commission advise O. P. Robinson, Scipio, Indian Territory, relative to the citizenship status of J. A. Cummins.

Replying to your letter you are advised that the Commission has today complied with your request.

Yours truly,

Commissioner in Charge.

Choctaw R 379

Muskegee, Indian Territory, May 19, 1902.

J. A. Cummins,

Scipio, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, requesting that you be notified of the decision of the Commission in the matter of your application for enrollment as a citizen of the Choctaw Nation.

Replying to your letter you are advised that on May 9, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of James A., R. T. Ann, Bertie Emily, Oliver, Cody, Edith Ellen, Stephen Alexander, Cicero Anderson, Grace Ona, Ella May and Cynthia A. Cummins, and a copy of such decision was on that date forwarded you by registered mail to South McAlester, Indian Territory.

Yours truly,

Acting Chairman.

Choctaw R 379.

Muskogee, Indian Territory, May 29, 1902.

J. A. Cummins,

Seipie, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty sixth instant relative to the rights to enrollment of yourself and your family as citizens of the Choctaw Nation, and in which you make certain statements concerning your recognition by the Choctaw people, and the compliance on the part of your ancestors with the Choctaw treaty of 1830.

As you were advised in our communication of May 19, 1902, the Commission, on May 9, 1902, rendered a decision refusing the application for the enrollment of yourself and your eight minor children, R. T. Ann, Bertie Emily, Oliver Gedy, Edith Ellen, Stephen Alexander, Cicero Anderson, Grace One and Ella May Cummins, as citizens by blood of the Choctaw Nation and your wife Cynthia A. Cummins as a citizen by intermarriage of the Choctaw Nation, a copy of such decision having been forwarded you by registered mail at your last known post office address at South McAlester, May 9, 1902.

The record in this case is now before the Secretary of the

J.A.C. 2

Interior for his review and in the event that the decision of the Commission, refusing the enrollment of yourself, your wife, and your minor children is affirmed by the Secretary of the Interior, you will in due time be advised thereof.

The fact that the Commission finds that you and your wife and your children are not entitled to enrollment as citizens of the Choctaw Nation is no bar to the reception and consideration of any application you might desire to make for yourself and your children as beneficiaries under the provisions of the fourteenth article of the treaty of 1830. If you are desirous of making such application, it will be necessary that you present yourself in person before the Commission at its office at Muskogee, Indian Territory, for examination under oath. Until such personal application is made, no consideration can be given your claim to identification as a Choctaw Indian entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830.

In view of the probability of some early date being fixed or agreed upon, terminating the time within which the Commission can receive and consider applications of this character, it is suggested that if you desire to make such an application you should do so as early as practicable.

Yours truly,

Acting Chairman.

Choctaw R 272

Muskogee, Indian Territory, July 18, 1902.

J. D. Cummins,

Scipio, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date relative to the rights of yourself and your children to be enrolled as citizens of the Choctaw Nation.

Replying to your communication it is presumed from the statements in your letter that you are the identical J. A. Cummins who at South McAlester, Indian Territory, on September 13, 1899, personally applied to this Commission for the enrollment of yourself, your wife and your eight minor children as citizens by blood of the Choctaw Nation.

The authority vested in the Commission to enroll persons as citizens of the Choctaw Nation is contained in the act of Congress of June 28, 1898, and such authority is further defined by the following provision of the act of Congress of May 31, 1900:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

Neither your name nor the names of your wife and children being found upon any of the tribal rolls of the Choctaw

J D C 2

Nation in the possession of the Commission and you and your family not having been admitted to Choctaw citizenship by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, this Commission is without authority to enroll you and your family as citizens of the Choctaw Nation.

Of such action of the Commission you were duly advised on May 9, 1902, on which date you were furnished with a copy of the decision of the Commission refusing the application for enrollment of J. A. Cummins, Cynthia A., R. T. Ann, Bertie Emily, Oliver Cody, Edith Ellen, Stephen Alexander, Cicero Anderson, Grace Ona and Ella May Cummins as citizens of the Choctaw Nation.

This decision was on the same date forwarded to the Secretary of the Interior and we have not been advised at this time as to ~~any~~ action taken by him in the review of this case.

The Commission for the purpose of protecting any rights that you might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of Congress of June 28, 1898, on February 21, 1902, advised you by registered mail that you would be allowed thirty days from that date in which to set forth that you claim a right for yourself and your minor children

J D C S

as Mississippi Choctaws by reason of being descendants of Choctaw Indians who resided in the State of Mississippi and were beneficiaries under the provisions of the fourteenth article of the Choctaw treaty of 1830.

To this communication no reply was made by you and while the decision of the Commission refuses the application for the enrollment of yourself and your children as citizens of the Choctaw Nation, such action is not prejudicial to any rights that you and your children might have as Mississippi Choctaws.

If you desire to submit an application for the identification of yourself and your minor children as Mississippi Choctaws, the Commission will hear you upon your personal appearance at its office at Muskogee, Indian Territory, until some date is fixed or agreed upon terminating the time within which the Commission can receive and consider applications of this character.

In this respect your attention is invited to the following provision of an agreement recently entered into at Washington, D. C., between representatives of the Choctaw and Chickasaw Tribes and commissioners on the part of the United States:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

This agreement as ratified by Congress was approved by the President of the United States, July 1, 1902, and is now subject to ratification by the citizens of the Choctaw and Chickasaw Nations at a special election to be called by the chief executives of these two tribes within one hundred and twenty days from July 1, 1902.

If you anticipate making application for the identification of yourself and your minor children as Mississippi Choctaws, it would be advisable that you do so as early as practicable.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, July 29, 1902.

Cynthia A. Cummins,

Spiro, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd instant, relative to the rights to enrollment as citizens of the Choctaw Nation of yourself, your husband and your children.

On July 16, 1902, the Commission wrote J. D. Cummins, your husband, fully in regard to this matter and we cannot at this time render you any further information than contained in such letter.

Yours truly,

Commissioner in Charge.

Cheotaw R 379

Muskogee, Indian Territory, November 4, 1902.

L. Case,

Stuart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you desire to be advised if J. A. Cummings is on the Cheotaw roll.

In reply to your letter you are advised that on May 9, 1902, the Commission refused the application of J. A. Cummins for enrollment as a citizen of the Cheotaw Nation, of which decision he was notified on May 9, 1902, and the record in the case on that day was forwarded to the Secretary of the Interior for his review.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 28, 1903.

J. D. Cummins,

Scpio, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 7, addressed to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. You state therein that your application for the enrollment of yourself and your family has been refused by this Commission for the reason that your names are not found on the 1896 census roll of the Choctaw Nation; but that your grandfather and grandmother, Daniel and Gisle Anderson and their children, John, Ruben, Daniel, Joseph, and Mary, who was your mother and died in 1896, were all enrolled upon the Choctaw rolls.

In reply to your letter you are advised that it does not appear from the records of the Choctaw Nation in the possession of the Commission that any of the persons named in your letter have been enrolled by the tribal authorities of the said nation, except Ruben and John Anderson, aged seventy six and sixty five respectively, who were enrolled on Jacks Fork and Tishumay County rolls of 1885 in the Choctaw Nation.

Receipt is also acknowledged of your letter of January 12,

7 D C 3

in which you state that you have in good faith made improvement on certain lands, and wish to know if you can continue to hold the same until the improvements are paid for.

In reply to your inquiry you are advised that it appears from our records that on May 2, 1902, the Commission received your application for the enrollment of yourself, your wife, and your minor children, as citizens of the Choctaw Nation, and on the same date the record in your case was forwarded to the Secretary of the Interior. The Commission has not yet been advised of the action of the Secretary in this case, but it is not believed that you are at this time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

Choctaw R 379.

Muskogee, Indian Territory, March 25, 1903.

James A. Cummins,

Scipio, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 19, relative to the enrollment of yourself and your family as citizens by blood of the Choctaw Nation, and in reply you are advised that we can give you no further information at this time than that contained in our letter of January 28, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 5, 1905.

James A. Cummins,

Scipio, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 27, 1905, relative to the right to enrollment of yourself and your family as citizens of the Choctaw Nation.

In reply to your letter you are informed that on May 9, 1902 the Commission to the Five Civilized Tribes rendered its decision refusing your application for the enrollment of yourself, your wife and your eight children as citizens of the Choctaw Nation and on June 12, 1903, the Secretary of the Interior conformed this decision of the Commission.

Respectfully,

Commissioner in Charge.

7-R-379

Muskogee, Indian Territory, June 18, 1906.

J. O. Pool,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 5, 1906, inclosing petition for reopening and reconsideration of the application of J. A. Cummins et al as citizens of the Choctaw Nation which you request to have forwarded the Secretary of the Interior .

In reply to your letter you are advised that this motion has been forwarded the Secretary of the Interior for consideration, and you will be advised of such action as is taken thereon by the Department.

I have to request that in filing motions for rehearing and review in Choctaw and Chickasaw enrollment cases you also forward a duplicate copy of the same for the files. of our office.

Respectfully,

Commissioner.

7-R-379

Muskogee, Indian Territory, October 24, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 16, 1906, inclosing letter and affidavit of James A. Cummins, relative to certain land which he desires to select in allotment for himself and his minor children in the event his case is favorably adjudicated by the Department; you state that the names of these persons appear upon the records of your office on Choctaw card No. 379 and that their citizenship was denied June 12, 1903 and their names do not appear on any of the lists furnished your office of persons who may be permitted to designate lands as their prospective allotments.

In reply to your letter you are advised that on June 25, 1906, a motion for rehearing in the matter of the application for the enrollment as citizens of the Choctaw Nation of James A. Cummins his wife Cynthia A. Cummins and his children E. T. Ann, Bertie Emily, Oliver Cody, Edith Ellen, Stephen Alexander, Cicero Anderson, Grace Ogo and Ella May Cummins on Choctaw card R 379 and Sarah Elma and her children John W., Malcolm A., James T., Frederick and Cora L. Elma on Choctaw card R 560, was forwarded the Secretary of the Interior. This motion is still pending before the Department and

C. C. #2

you are therefore authorized to allow the persons named therein to make application for land for the purpose of instituting contest, in event land on which they own improvements have been selected in allotment by other persons, in accordance with the usual rules of your office.

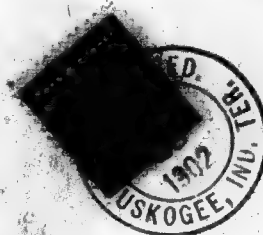
The communication of James A. Cummins inclosed with your letter is herewith returned.

Respectfully,

EE 4-24.

Commissioner.

Reg 409



Department of
Commission to the F
MUSKOGEE
OFFICIAL B
Penalty for private

J. A. Cummins,

South McAlester,

Indian Territory.

2643

CHOCOTAW.

Anna V. Biggs

1.34.586.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCOTAW.

REFER TO M. C. R. #268

Ch. 267

G. Pitman, et al.

Transferred to M. C. R. 267
to be considered as a
Miss. Chetaw Case
Nov. 20-1901.

P. 312

Z. J. Petman, etal

Transferred to m.c. R. 1040
to be considered as a
miss. Choctaw Cal.

CHOCOTAW.

R. 383

Mary R. Johnson, et al.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCOTAW.

REFER TO M. C. R. / 480

CHOCTAW R. 384

Arthur, Johnnie, Jessie B.,
Mary, Ida, and Henry Beal.

Records transferred to

CHOCTAW.

3841

CHOCTAW R. 38.

John Peter Beal et al.

Received to

CHOCTAW.

CHOCTAW R. 3.

William T. Beal,

Records to

CHOCTAW.

Choc. R. 387

Daisy A. Beck

R. 387

Samuel C. Dick, et al
vs
Choctaw Nation
all **DISMISSED**
MAY 27 1904

Mother on Choctaw 4414

Her children refused.

6/12/07 Decree prepared.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

Record in the matter of the application for enrollment
as citizens by blood of the Choctaw Nation of;

Daisy A. Beck, et al.,

7-R-387.

-----0-----

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the enrollment of Mattie Beck as a Choctaw; being sworn
and examined by Com'r McKennon she testifies as follows:

- Q What is your name? A Mattie Beck.
Q How old are you? A Thirty.
Q Where have you been living? A I have lived in Jack's
Fork county, Choctaw Nation, about eleven years.
Q All the while? A Yes sir.
Q You have some children? A Yes sir.
Q What is the oldest one's name? A Daisy A., ten years old.
Q Next one? A ~~Samuel~~ Bertie L., 9 years old; George B.,
6 years old; David M., 5 years old; Mary H., 3 years old.

Com'r McKennon: These children were all born before the
judgment was rendered, and we have no authority to enroll
them; we will enroll you.

P O Tuskahoma, S.T.

Department of the Interior

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. J. McQueen

COMMISSIONERS:
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BROCKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., Feb. 13, 1901.

Mattie Beck,

Tushkahomaa, Ind. Ter.

Dear Madam:-

During the latter part of August or the first of September, 1899, you appeared before the Commission at Atoka, Indian Territory, and applied for the enrollment of yourself and your children as citizens of the Choctaw Nation. The record of your case made at that time does not show the ages of your children, and the Commission would thank you to send us this information at as early a date as possible. Please fill in the ages of your children in the blanks below, and return this letter with that information in the enclosed envelope; the envelope will not require a stamp.

Yours truly,


Acting Chairman.

1. Daisy A. Beck was born on the 2nd day of September, 1887.
2. Bertie L. Beck was born on the 14th day of December, 1890.
3. George B. Beck was born on the 18th day of August, 1893.
4. David M. Beck was born on the 5th day of February, 1894.
5. Mary N. Beck was born on the 23rd day of April, 1896.

Mattie Beck.

Choctaw No. B-387

Muskogee, Indian Territory, February 21, 1908.

In the matter of the application of
Mattie A. Beck for the enrollment
of Daisy A. Beck, Bertie L. Beck,
George E. Beck, David M. Beck and
Mary M. Beck as citizens of the
Choctaw Nation.

To Mattie A. Beck,

Fushkahoma, Indian Territory.

You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
applicants are entitled to be identified as Mississippi Choctaws
under the act of Congress of June 22, 1898, which provided as
follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and as that and may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

R. A. B., B.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that the applicants are descendants of the Choctaw Indians who resided in the state of Mississippi in 1830, and that their ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830 between the United States and the Choctaw Nation.

I. B. Needles,

Commissioner in Charge.

Register.

7-R-387.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for the enrollment of
Daisy A. Beck, Bertie L. Beck, George B. Beck, David M. Beck and
Mary N. Beck as citizens by blood of the Choctaw Nation.

-----o-----

The applicants, Daisy A. Beck, Bertie L. Beck, George B. Beck, David M. Beck and Mary N. Beck, claim their right to enrollment as citizens by blood of the Choctaw Nation through their mother Mattie Beck. The right of the applicants' mother, Mattie Beck, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, April 30, 1904, in case No. 112, upon the South McAlester docket of said court, it is hereby ordered that the application of Daisy A. Beck, Bertie L. Beck, George B. Beck, David M. Beck and Mary N. Beck for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

7- R- 387.

COPY.

Muskogee, Indian Territory, June 8, 1904.

Mattie Beck,

Tuskahoma, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Daisy A. Beck, Bertie L. Beck, George B. Beck, David M. Beck and Mary H. Beck.

Respectfully,

(SIGNED)

Jame Bixby.
Chairman.

Registered.

Incl. 7- R- 387.

7- R- 587.

COPY:

Muskogee, Indian Territory, June 8, 1904.

Hansfield, McMurtry & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Daisy A. Beck, Bertie L. Beck, George B. Beck, David E. Beck and Mary E. Beck.

Respectfully,

SIGNED

James Birby.

Chairman.

Registered.

Incl. 7- R- 587.

See Choctaw R/ 650 for registry receipt for this letter.

Muskogee, Ind. Ter., Feb. 13, 1901.

Mattie Beck,

Tushkahomma, Ind. Ter.

Dear Madam:-

During the latter part of August or the first of September, 1899, you appeared before the Commission at Atoka, Indian Territory, and applied for the enrollment of yourself and your children as citizens of the Choctaw Nation. The record of your case made at that time does not show the ages of your children, and the Commission would thank you to send us this information at an early a date as possible. Please fill in the ages of your children in the blanks below, and return this letter with that information in the enclosed envelope; the envelope will not require a stamp.

Yours truly,

James B. Bick
Acting Chairman.

1. Daisy A. Beck was born on the 2nd day of September, 1889
2. Bertie L. Beck was born on the 14th day of December, 1890
3. George B. Beck was born on the 18th day of August, 1892
4. David M. Beck was born on the 5th day of February, 1894
5. Mary N. Beck was born on the 23rd day of April, 1896

Mattie Beck

*McClammert
Cassat H. Jones*



Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mattie A. Beck,

Tushkahoma,

Indian Territory.

2648

1227

Choc R. 388

Stella Brown

R 388

CHOCTAW

R 188
In the matter of the application
for the enrollment of Stella Brown, et
al., as citizens by blood of the Choctaw
Nation.

REFUSED. MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT
MAY -9 1902

ACTION APPROVED BY
COMMISSIONER OF INDIAN AFFAIRS. OCT -7 1902

NOTICE OF DEPARTMENTAL ACTION
ACTION MADE BY APPLICANT. OCT -17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. OCT -17 1902

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the enrollment of Belle Brown as a Choctaw; Stephen A. Brown being sworn and examined by Com'r McKennon testifies;

- Q What is your name? A Stephen A. Brown.
- Q How old are you? A Thirty-eight.
- Q Are you the husband of Belle Brown? A Yes sir.
- Q Where has she been living? A Here in the Choctaw Nation ten years.
- Q All the while? A Yes sir.
- Q Haven't lived anywhere else? A Well in the Chickasaw and Choctaw together.
- Q All the while? A Yes sir.
- Q Haven't lived anywhere else during that time? A No sir.
- Q You have some children? A Four.
- Q What is the name of the oldest? A Stella, nine years old; Claudie, 7 years old; Thomas, 5 years old; Addie, 3 years old.

Com'r McKennon: As they are not included in the judgment, and are not upon the rolls, their enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer and as a member of the Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

7-3-200

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Stephen A. Brown for the enrollment of his three minor children, Stella Brown, Claude Brown and Thomas Brown, as citizens by blood of the Chectaw Nation.

DECISION.

It appears from the record in this case that the applicant, Stephen A. Brown, appeared before the Commission at Durant, Indian Territory, during its session thereat beginning August 10, 1896, and ending August 18, 1896, and then and there made personal application for the enrollment of his four minor children, Stella Brown, Claude Brown, Thomas Brown and Belle Brown, as citizens by blood of the Chectaw Nation.

It appears from the records in the possession of the Commission that Belle Brown, the mother of the minor applicants, with others, in a cause entitled "John Jones, et al., vs. the Chectaw Nation, (1896 Docket C, No. 1186), made original application to this Commission, on September 9, 1896, for citizenship in the Chectaw Nation under the act of Congress of June 10, 1896,

(29 Stats., 321), which application was on December 7, 1896, denied by this Commission, and thereafter on appeal to the United States Court for Indian Territory, Central District, at South McAlester, in court case No. 31, on the 24th day of August, 1897, the judgment of this Commission was by a decree of said court reversed as to the said Belle Brown and others, and the said Belle Brown, under the name of Bell Brown, was thereby duly admitted to citizenship in the Choctaw Nation.

The minor applicants, Stella Brown, born in 1890, Claudie Brown, born in 1892, and Thomas Brown, born in 1894, were not included in the original application of the said Belle Brown and others, nor in the decree of said court admitting the said Belle Brown and others to citizenship in the Choctaw Nation. The other applicant, Andie Brown, born in 1896, since the filing of the original application, his rights to citizenship are not passed upon in this application, the said Andie Brown being listed for enrollment with his mother on straight Choctaw card No. 3833.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the minor applicants, Stella Brown, Claudie Brown and Thomas Brown, have never been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that the minor applicants, Stella Brown, Claudie Brown and Thomas Brown, have never been admitted to citizenship in the Choctaw Nation by

the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant, Stephen A. Brown, was on the 20th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identify his four minor children as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), and a portion of section 21 thereof, provides as follows:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The applicants, Stella Brown, Claudie Brown and Thomas Brown, being born prior to the date of the application of their said mother, and not being on the tribal rolls or admitted by the tribal authorities or by this Commission or by a decree of the

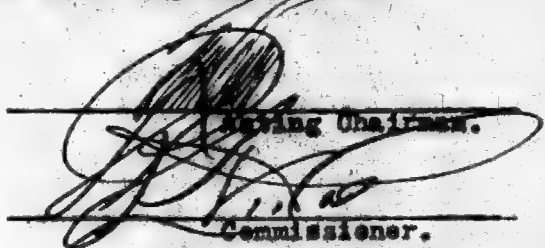
United States Court in accordance with the provisions of the act of June 10, 1896, it is not now within the authority of this Commission to enroll said minor applicants as citizens of the Choctaw Nation under the act of June 28, 1898, above quoted.

The act of Congress of May 31, 1900, (31 Stats., 221), in a portion of the second paragraph thereof, reads as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Stella Browa, Claudie Brown and Thomas Brown are not lawfully entitled to be enrolled as members of the Choctaw Tribe of Indians in Indian Territory by blood, and that the application for their enrollment as such should be refused; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAY -9 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

In the matter of the application of Stephen A. Brown for the enrollment of Stella, Claudie and Thomas Brown, minor children of Belle Brown, as citizens of the Choctaw Tribe of Indians, Commissioners Bixby and Needles have held that, said children having been born respectively in 1890, 1892 and 1894, prior to the admission of the said Belle Brown under the Act of Congress of June 10, 1896 and not being named or mentioned in the petition or judgment of her admission to Choctaw citizenship or in any other, they are not covered by the judgment admitting the parent, and do not now possess the right of enrollment.

I dissent from this decision, and the grounds of my opinion are embraced in what I had to say in the application of Thomas J. Dorn for the enrollment of the minor children Stella, Effie and Louvinia Dorn, as follows:

"In the matter of the application of Thomas J. Dorn for the enrollment of his children Stella A., Effie, and Louvinia J. Dorn, as citizens of the Choctaw Tribe of Indians, I dissent from the opinion of Commissioners Bixby and Needles, denying to these applicants the right of enrollment, and hold that said children, being minors at the time their mother was admitted to Choctaw citizenship under the Act of Congress of June 10, 1896, were, 1892 1894, embraced in her appli-

cation for citizenship and covered by the decision granting her citizenship rights, and hence that they should be enrolled at this time as Choctaw citizens by blood. In the absence of statutory provision covering the case we are left to analogous provisions and the principles of law. When Congress directed that this course be followed, in the first paragraph of section 21 of the Curtis law, with respect to the Cherokees, it simply gave legislative sanction to a correct principle of law, as it did in the Act of April 14, 1902, Sec. 2172, R. S. The Cherokee Courts, as frequently sustained by this Commission, did not even require that the white wife of a Cherokee by blood had to be mentioned in his application for readmission to citizenship, it mattered not how or when they were married. The husband, as the head of the family, carried the dependent wife with him. It is not as if the infant had not been applied for within the time provided by Congress. It does not bring up the question as to whether a statute of limitation runs against an infant; but it is the question as to whether the infant was included in the act performed, covered by the decision rendered, and follows the citizenship of the parent as determined, no other complications or questions existing. I do not find that the Attorney-General for the Interior Department has ever passed on this question or had it submitted to him, and I think some errors have been committed by a mistaken interpretation of his letter of June 8, 1901; and I respectfully submit this view of the matter to the consideration of the Secretary of the Interior."

In this case, as in the one just quoted, I respectfully submit the matter to the Secretary of the Interior for review and determination.

C. R. Meeksinger.

Commissioner.

MAY -9 1902

Chectaw E 209

COPY

Muskogee, Indian Territory, May 9, 1903.

Stephen A. Brown,

Robbers Roost, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your minor children, Stella Brown, Claudia Brown and Thomas Brown as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles*

Commissioner in Charge.

Enc Y B

Register.

Choctaw R 300

COPY.

Muskogee, Indian Territory, May 9, 1902.

Messrs Mansfield, Kelsurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes for the enrollment of Stella, Claudie and Thomas Brown as citizens of the Choctaw nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED: *T. B. Needles.*
Commissioner in Charge.

Enc T 2

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application Stephen A. Brown for the enrollment of his minor children, Stella, Claudie and Thomas Brown as citizens of the Choctaw Nation, including the decision of the Commission, dated May 9, 1902, refusing the application for the enrollment of Stella, Claudie and Thomas Brown as citizens of said nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

1 inclosure.

Through the Commissioner
of Indian Affairs.

C O P Y

J.P.

KAF.

D E P A R T M E N T O F T H E I N T E R I O R .

ITD.3552-1902.

Washington.

October 7, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 9, 1902, in a decision signed by two of your Commission the application of Stephen A. Brown for the enrollment of his minor children, Stella, Claudia and Thomas Brown, as citizens by blood of the Choctaw Nation, was refused, Commissioner Breckinridge dissenting. He referred to his opinion in the analogous case of Thomas A. Dorn for the enrollment of his minor children, the subject of departmental letter of October 7, 1902, sustaining the action of the majority of the Commission rejecting the application.

It appears that Belle Brown, the mother of the applicants, was "admitted" to citizenship in said nation by the United States court for central district, Indian Territory, on August 24, 1897, acting under the provisions of the act of June 10, 1896 (29 Stat., 321). The decision of the majority of the Commission refers to various acts of Congress bearing upon the subject, particularly to the act of May 31, 1900 (31 Stat., 221).

-2-

June 4, 1902, the Acting Commissioner of Indian Affairs without any reference to the opinion of Commissioner Breckinridge recommended that your decision be affirmed.

In accordance with the decision in the Dorn case the present application is hereby rejected, leaving the applicants to their remedy, if any, under sections 31, 32 and 33 of the Choctaw and Chickasaw agreement contained in the act of July 1, 1902 (Public 228). A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

END

copy.

Choctaw A 200

Okmulgee, Indian Territory, October 17, 1902.

Stephen A. Brown,

Robbers Roost, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 7, 1902, affirmed the decision of the Commission dated May 9, 1902, refusing the application made by you for the enrollment of your three minor children, Stella, Claude and Thomas Brown, as citizens of the Choctaw Nation.

You are further advised that in affirming said decision the Secretary of the Interior states that:

"The parties are left to their remedy, if any, under sections 21, 22 and 23 of the Choctaw- Chickasaw agreement contained in the act of July 1, 1902 [Public Law 222]."

a copy of which is enclosed you herewith.

Respectfully,

SIGNED: *Tammie Bibby.*

Acting Chairman.

Choctaw-Chickasaw
agreement.

Chester R 300

Washknee, Indian Territory, October 17, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of October 7, 1902, affirmed the decision of the Commission dated May 9, 1902, refusing the application made by Stephen A. Brown for the enrollment of his three minor children, Stella, Claudis and Thomas Brown, as citizens of the Choctaw Nation.

You are further advised that in affirming said decision the Secretary of the Interior states that:

"The parties are left to their remedy, if any, under sections 21, 22 and 33 of the Choctaw-Chickasaw agreement contained in the act of July 1, 1902 (Public 222)."

Respectfully,

SIGNED *Tams Dixby.*

Acting Chairman.

Wm 013

COMMISSIONERS

HENRY L. DAWES,
TAMS BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw 1,328

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20, 1902.

In the matter of the application)
of Stephen A. Brown, for his child-)
ren: Stella Brown, Claudie Brown)
and Thomas Brown, for enrollment,)
as citizens by blood, of the)
Choctaw Nation.)

To Stephen A. Brown,

Durant, Indian Territory.

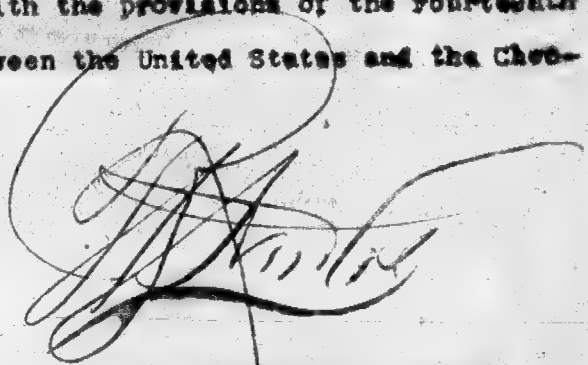
You are hereby notified that your children will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that your children are entitled to be identified as Mississippi Choctaws, under the Act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the persons

E. A. B., B.

orating witnesses, and must set forth the fact that your children are descendants of Choctaw Indians who resided in the State of Mississippi in 1830, and that their ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the signature line.

Commissioner in Charge.

Register.

Choctaw
R 388

Muskogee, Indian Territory, October 15, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the thirteenth instant in which you desire to be informed what action, if any, has been taken by the Secretary of the Interior in regard to the decision of the Commission rejecting the application of the children of Steven A. Brown for enrollment as citizens of the Choctaw Nation.

In reply to your inquiry you are advised that on October 7, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of May 9, 1902, refusing the application for the enrollment of Stella, Claudie and Thomas Brown as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.



Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2692

1259

Stephen A. Brown

Durant
J. J.

GHOCTAW. A. 18

da Pell Beal, et al

Records transferred to

GHOCTAW.

5848.

Choc. R. 510

Adelia Campbell

R. 340

JUN 11 1902 DECISION PREPARED

DENIED

as to child

Mother enrolled on

Choc. 30 34

1-2- DISMISSED

JAN 26 1905

See record in 7-35

James William Day

Day

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Bettie Campbell as a Christian Julius Campbell being sworn and examined by Com'r McKennon testified:

Q What is your name? A Julius Campbell.

Q What is your age? A Twenty-nine.

Q Are you the husband of Bettie Campbell? A Yes sir.

Q Where has she been living? A In Blue County for the last ten years.

Q All the while? A Yes sir.

Q Never lived anywhere else? A She has not been out of the County I don't suppose for four days at a time.

Q You have some children? A I have three children.

Q What is the name and age of the oldest one? A Adelia, six years old; Idella, four years old; Rosa L., two years old.

Com'r McKennon: As these children are not upon the rolls, and not embraced in this judgment, their enrollment will be refused.

Department of the Interior,

Commissioner of the Five Civilized Tribes,
Durant, Indian Territory.
Presented for filing as
stated in the above named Commission and not
transcribed from full and correct information of
my Special Agent in Charge.

H. M. McKennon

ART
DEL

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Bettie Campbell, Rosa L. Campbell, Oscar Julius Campbell, Ada May Campbell, Adelia Campbell and Idella Campbell, as citizens by blood of the Choctaw Nation.

-----o-----

It appears from the records of the Commission that on September 9, 1896, in case entitled "John Farmer et al., vs. the Choctaw Nation," (1896 Citizenship Docket, Case No. 1155), original application was made to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Choctaw Nation, as a citizen by blood of the applicant, Bettie Campbell (as Bettie Campbell nee Hill), and on December 7, 1896, the said Bettie Campbell was by this Commission denied admission as a citizen by blood of the Choctaw Nation. From this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court, in the case entitled "Polly Hill, et al., vs. the Choctaw Nation," (Citizenship Case No. 31), reversed the decision of the Commission denying said Bettie Campbell as a citizen by blood of said nation.

The minor applicants herein are the children of Julius H. Campbell, a noncitizen white man, and Bettie Campbell, above named. Adelia Campbell and Idella Campbell were born prior to the date of the original application herein made to the Commission in 1896. Rosa L. Campbell, Oscar Julius Campbell and Ada May Campbell were born subsequent to the date of said original application. The names of the minor applicants herein do not appear in the application made by Bettie Campbell in 1896, nor in said judgment of the United States Court above referred to.

It further appears from the records in the possession of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), "set aside, annulled and held for naught," the aforesaid judgment of the United States Court for the Central District of Indian Territory. Said cause has not been appealed or certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said Act of Congress approved July 1, 1902.

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws, under the following provision of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), viz:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the father of the applicants, Julius Campbell, was notified by registered mail, on February 21, 1902, that he would be allowed thirty days from the date thereof within which to set forth that the said minor applicants claimed a right to identification as Mississippi Choctaws. A copy of said notice is attached hereto and made a part of the record in this case. No response by, or on behalf of the applicants has been received to said notice.

In accordance with the opinion of the Acting Attorney General, dated May 9, 1904 (I.T.D. 3824-1904) and the opinion of the Assistant Attorney General for the Department of the Interior, dated July 30, 1904 (I.T.D. 5246-1904), the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Bettie Campbell, Rosa L. Campbell, Oscar Julius Campbell, Ada May Campbell, Adelia Campbell, and Idella Campbell, as citizens by blood of the Choctaw Nation, and it is, therefore, hereby ordered that the application for the enrollment of Bettie Campbell, Rosa L. Campbell, Oscar Julius Campbell, Ada May Campbell, Adelia Campbell and Idella Campbell, as citizens by blood of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,
Chairman.

Muskogee, Indian Territory,
Jan. 26, 1905.

COPY

Chectaw 3534
Chectaw R 390

Muskogee, Indian Territory, January 26, 1905

Bettie Campbell,

Durant, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of yourself, and of your children, Rosa L. Campbell, Oscar Julius Campbell, Ada May Campbell, Adelia Campbell and Adella Campbell, as citizens by blood of the Chectaw Nation.

Respectfully,

~~SIGNED~~

Jams Birby

Registered.

Chairman.

Incl. 7--3534
7-R-390

4
Choctaw 3534
Choctaw R 390

COPY

Muskogee, Indian Territory, January 26, 1905

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of Bettie Campbell, Rosa L. Campbell, Oscar Julius Campbell, Ada May Campbell, Adelia Campbell and Adella Campbell as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

Jame Bixby

Chairman.

Incl. 7-3534
7-R-390

Muskogee, Indian Territory, May 28, 1900.

Julius Campbell,

Durant, Indian Territory,

Dear Sir:

When you appeared at Durant as an applicant for the enrollment of your wife and children, the Commission listed your wife for enrollment, but refused your children, as it did not appear that they were on the rolls, or included in the judgment of the United States Court admitting their mother to citizenship. The Commission, however, ruled recently, that children born to parties admitted to citizenship in the Choctaw Nation by a judgment of the court, are entitled to be listed for enrollment, when born subsequent to the date of the filing of the original application with this Commission, in pursuance of the act of June 10th, 1896. Your child, Rosa L., having been born subsequent to the date of the filing of the application for citizenship of the mother with this Commission, will be listed for enrollment, upon the presentation of the proper birth affidavit. There is inclosed you herewith a blank birth certificate. In having same executed, be sure to see that all names are written plainly, all places filled out and that both affidavits provided for thereon are acknowledged before a Notary Public, and the Notary's name and seal attached to each affidavit. Signatures by mark, if any, must be attested by two wit-

Y.S. B.

needed. Upon receipt of the birth certificate, in proper form, the matter of the enrollment of your child will receive proper attention.

Yours truly,

Acting Chairman.

B.C.

In reply to this letter,
please refer to S-N 252.

COPY

The Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

In reply to your favor dated Feb. 21st., No. Choctaw R-390, I have the honor to hand you herewith the affidavits necessary to establish the claim of my two children to citizenship in the Choctaw Nation. Should these affidavits be deficient in any particular please notify me at once so that I can have the same ratified.

Yours very truly

(Signed) Julius Campbell.

Muskogee, Indian Territory, March 22, 1902.

Julius Campbell,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, replying to our communication of February 21, 1902, advising you that you would be allowed thirty days from that date within which to submit an affidavit corroborated by two witnesses showing that your children, Adelia and Idella Campbell are entitled to be identified as Mississippi Choctaws under the provisions of the act of Congress of June 23, 1898.

In your letter of the 17th instant you submit the affidavits of Bettie Campbell and E. O. Shannon as to the birth of Adelia Campbell on the 24th day of December, 1892 and the birth of Idella Campbell on the 27th day of February, 1893, together with your own affidavit as to being the father of Idella and Adelia Campbell and that they are entitled to be enrolled as citizens of the Choctaw Nation by virtue of the judgment of the United States Court admitting your wife to citizenship in the Choctaw Nation.

These affidavits have this day been filed and made a part of the application in the matter of the enrollment of your children, Adelia and Idella Campbell as citizens of the Choctaw

J C B

Nation.

Our letter of February 21, 1902 was for the purpose of advising you that if it was desired to submit an application for the identification of your two children, Adelia and Idella Campbell as the descendants of Choctaw Indians who resided in the state of Mississippi and who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, that you would be permitted thirty days from the date thereof within which to file with this Commission, affidavits alleging such facts. The affidavits that have been submitted by you in no way set forth that your children are entitled to such identification and you are now advised that if it is now the intention to make an application for their identification as Mississippi Choctaws, it will be necessary for their mother, Bettie Campbell, to personally appear before the Commission at its office at Mangrove, Indian Territory, within thirty days from the date thereof for that purpose. If at the expiration of that time no such personal application is made by Bettie Campbell, the Commission will consider that she does not wish to prosecute the claim of Adelia and Idella Campbell as Mississippi Choctaws and that the case is completed, and it will proceed to render its decision as to the rights of Adelia and Idella Campbell to enrollment as citizens of the Choctaw Nation and to identification as Mississippi Choctaws, which decision will

709

be duly made known to you when rendered.

Yours truly,

Commissioner in Charge.

Registered

Copy.

April 18, 1902.

The Commission at Muskogee, I. T.

In answer to your letter wanting my wife Betty Campbell to appear before you within 30 days from the date of your letter. She cant come for she is in a helpless condition.

Yours truly,

(Signed) Julius Campbell.

Muskogee, Indian Territory, April 22, 1902.

Julius Campbell,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, replying to our communication of March 28, 1902, in which you were advised that Bettie Campbell, the mother of your children, would be allowed thirty days from that date in which to personally appear before the Commission at its office at Muskogee, Indian Territory for the purpose of making application for the identification of your minor children, Adelia and Idella Campbell as Mississippi Choctaws.

You state in your letter that it is impossible for your wife to personally appear before the Commission within the specified time.

You do not advise if it is her expectation or desire to present any further testimony in support of the application for the enrollment of her children as citizens of the Choctaw Nation.

The Commission therefore, considering this case closed, will at as early a date as practicable pass upon the rights to enrollment of Adelia and Idella Campbell as citizens of the

202

Charles Foster.

Yours truly,

Acting Chairman.

CHOC. P. 371

Clara T. Cooper

R 371

Chertaw
DISMISSED

JAN 26 1905

DENIED

*as to Clara P.
Robert C.L. & James
m. escape.*

*Father enrolled on
Choc. 3956*

Chertaw 3956

*Chertaw #
signature written July 21, 1901.
R.S.*

JUN 10 1902 DECISION PREPARED

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

Clara T. Cooper, et al.,

7-R-391.

7-8-39
Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Noah W. Cooper for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Noah W. Cooper.

Q How old are you? A Sixty-three years old.

Q Where have you been living? A I first come to the Territory in 1894.

Q Have you been living here ever since? A Yes sir.

Q In the Territory? A Yes, in the Choctaw and Chickasaw Nation.

Q You have been living continuously here? A Yes sir.

Q Haven't been anywhere else? A No sir.

Q Where has Clara T. been living? A She has never been in the Territory at all.

Q She never has lived in the Territory? A No sir.

Q Where is Robert E. L.? A He staid here with me in the Territory a while last summer.

Q What time did he come here last summer? A First day of August.

Q How many days did he stay? A I don't recollect, I think a week or two.

Q He had never lived in the Territory before then? A No sir.

Q Where is Jessie M.? A She is in Arkansas, she has never been in the Territory.

Com'r McKennon: The enrollment of Clara T., Robert E.L., and Jessie M. Cooper is refused, aged respectively: 26, 25 and 17.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that my official work as stenographer to the named Commission; that this transcript is a true, full and correct translation of my stenographic notes.

W. D. Green

List of Ch. Cases 3956

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Ida Atkins and children as Choctaws;
Noah W. Cooper being sworn and examined by Com'r McKennon states:

Q What is your name? A Noah W. Cooper.

Q How old are you? A Sixty-three.

Q Where is your daughter, Ida Atkins, living? A In Arkansas,
at Hope.

Q She has never lived in the Territory? A No sir.

Q What children has she? A Lee Atkins, aged 9 and Owen At-
kins, aged 7 years.

Q How old is she? A Thirty.

Com'r McKennon: Enrollment of Ida Atkins, Lee Atkins and
Owen Atkins is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer, to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

7-N-V-76

Department of the Interior,
Commission to the Five Civilized Tribes,
Oolbert, I.T., June 15, 1900.

— 0 —

In the matter of the application of Noah W. Cooper for the enrollment of his children and grandchildren as Choctaws by blood; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q What is your name? A Noah W. Cooper.

Q How old are you? A I will be 64 in November.

Q What is your post office address? A Durant, I. T.

Q Are you on the Tribal rolls? A That is the way I understand it, that is since I went before you all up there. Mr. McKennon told me it was all right.

Q Were you admitted by the United States Court? A Yes, sir.

Q What was the title of the case? A My application for citizenship is about all I can tell you, George Wilkins is the man that worked it up for me.

Q When did you move to the Territory, Mr. Cooper? A I have been in the Territory ever since January, 1894, living here in the Territory.

Q Have you ever been outside of the Territory since 1894? A No, sir, not to live.

Q Have you got an improved farm here? A I live in the west part of the Chickasaw Nation.

Q Have you got an improved farm? A I have got one that I bought the improvements of when I came here.

Q How many years have you had that? A This is five years.

Q Have you been working it? A Yes, sir; I have got it rented this year because I haven't been able to work.

Q You have been out of the Territory several times during the past five years, have you? A I would just go out into Texas several times and Arkansas on a visit.

Q You have never been outside except on a visit? A No, sir.

Q You haven't been outside long enough to have voted, have you?

A No, sir, I was in Arkansas three weeks.

(1896 Citizenship Packet C, Page 121, Choctaw case No. 723, N. W. Cooper et al. vs. the Choctaw Nation. Original application filed September 7, 1896. Answer of the Choctaw Nation filed. Application denied by the Commission December 5, 1896. Appeal taken to the United States Court for the Indian Territory, and judgment of the Commission was reversed as to, Noah W. Cooper, Ida Atkins, Clara Tecora Cooper, Robert E. L. Cooper, Jessie May Cooper, Lee Atkins, Owen Atkins, John E. Cooper, Wm. H. Cooper, Robert Cooper, Jacob J. Cooper, and Lewis H. Cooper.)

Q Jacob J. Cooper never came to the Territory? A No, sir.

Q Is he here now? A No, sir, he never came here, him nor his son.

Q In whose behalf, Mr. Cooper, do you now appear? A For Jessie May Cooper and Lee Atkins and Annie Atkins, and then a little girl born a few days after the application was sent up, she is nearly 5 years old now, named Mary O. Atkins.

Q Did Ida Atkins ever move here? A No, sir.

Q Where is she now? A She is at Hope, Arkansas, and her husband is dead now, and Atkins had charge of the female college there.

Q She never has lived in the Territory? A No, sir.

Q How about Clara Tecora? A She is my daughter.

Q Where does she live? A She is there teaching.

Q Did she ever move to the Territory? A No, sir.

Q How about Robert E. L.? A He is there too, he never moved to the Territory.

Q Jessie May is the one you are applying for now? A Yes, sir.

Noah W. Cooper - 2.

Q How about John E. Cooper? A That is my brother.

Q How about William E.? A That is his son.

Q Robert? A That is his son.

Q Jacob J.? A That is a brother in North Carolina.

Q And Lewis H.? A That is his son.

Q He never came? A No, sir, Mr. McKennon wrote me I could represent them, and didn't say those under age, and they were going to school and teaching and that was the reason.

Q How old is Jessie May? A She was 30 the past April.

Q She is your daughter? A Yes, sir.

Q How old is Lee Atkins? A 25.

Q We will strike him out of the application. How old is Owen Atkins? ~~Shut~~

A - He is 9 years old; no, Lee is the oldest and he is 10, Owen is only 7.

Q Whose child is he? A Ida Atkins child.

Q Has Jessie May ever removed to the Territory? A No, sir, she is there at Hope, she is going to school, and has been teaching this spring.

Q What is the name of her mother? A Mary Cooper.

Q Is she a white woman? A Yes, sir.

Q Is she living? A No, sir, she is dead.

Q Has Owen Atkins ever lived in the Territory? A No, sir, he is only 7 years old and Lee is 9.

Q What was his father's name? A William Atkins.

Q Was he admitted by the judgment of this Court? A No, sir, he is dead.

Q What was the name of Owen's mother? A Ida Atkins.

Q She has never come to the Territory? A No, sir, she is my daughter.

Q Is Owen living with her? A Yes, sir, he is about 7 years old, or a little over.

Q This child Mary O. Atkins is a daughter of who? A She is a daughter of Ida Atkins.

Q Well, Ida will have to apply for her herself. When did you say Mary O. was born? A She is a little over 4 years old.

Q You don't remember the exact date of her birth? A No, sir, she is a little over 4 years old.

Q I don't see how we can consider your application in behalf of Owen Atkins and Mary O. Atkins because their natural guardian is living, their mother. How long has Jessie May been in Arkansas?

A All of her life.

Q Was she born there? A She was born in Black County, Arkansas.

Q She never has lived anywhere except in Arkansas? A No, sir, never outside the state.

Q Have you any property in Arkansas? A Yes, sir, I have got a farm there, I have never sold my farm.

Q Your family live now on the farm? A No, sir, they are down at Hope, Arkansas, where my son in law is teaching school.

Q Is there anything else that you think of in regard to this case and the case of Jessie May Cooper that you would like to state?

A Nothing. Can my son be allowed to come here and apply for his rights? A

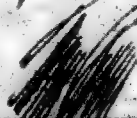
Q Yes, sir, we hear anybody. A I can send for him to come.

Q You must use your judgment about that

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.



Commissioner.

7-12640

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 21st, 1900.

In the matter of the application of Robert E. L. Cooper, for enrollment as a Choctaw citizen by blood, and he being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Robert E. L. Cooper.
Q How old are you? A Twenty-five.
Q Where do you live? A Hope, Arkansas.
Q How long have you lived at Hope? A Eight years.
Q You apply for your enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.
Q Do you make application for any one besides yourself? A No sir.
Q Are you married? A No sir.
Q Where did you live before you went to Hope? A Atkins, Ark.
Q How long did you live there? A Born and raised there.
Q You never have lived in the Indian Territory? A No sir.
Q What is the name of your father? A N. W. Cooper.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or white man? A Part Choctaw, Indian.
Q What proportion of Choctaw blood does he claim? A One eighth.
Q Where does he live? A Durant, Choctaw Nation.
Q How long has he lived there? A About six years.
Q You have never lived with him there? A No sir.
Q What is the name of your mother? A Mary Cooper.
Q Is she living? A No sir.
Q When did she die? A In 1888.
Q Was she a white woman? A Yes sir.
Q Did not claim any Choctaw blood? A No sir.
Q Does the name of your father appear on any of the tribal rolls of the Choctaw Nation? A I do not know.
Q Has he ever been recognized by the Choctaw Indian authorities, National Council or Citizenship Committees as a Choctaw Indian? A I do not know.
Q Does your name appear on any of the Choctaw tribal rolls prepared by the Choctaw tribal authorities? A I do not know.

Tribal rolls of citizens of the Choctaw Nation, now in the possession of the Commission, examined and the name of applicant not found therein.

- Q Did you ever make application, Mr. Cooper, to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir, I did not.
Q Did any one ever make application for you to the Choctaw tribal authorities for Citizenship in the Choctaw Nation? A I do not know.
Q Did you make application to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation? A No sir.
Q Did any one make application to the Commission to the Five Civilized Tribes in 1896 for you for citizenship in the Choctaw Nation? A My father did for me; so he told me.
Q What was the style of the case, do you know? A No sir, I can not say.

Record of applications for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes in 1896 is examined and on Page 321 thereof appears the case of N. W. Cooper et al versus the Choctaw Nation, being #729, filed September 7th, 1896; Answer of the Choctaw Nation filed. Application denied December 3rd, 1896; case appealed to the United States Court: Judgment of the Commission to the Five Civilized Tribes reversed as to twelve (12) of the applicants in this case; the name of applicant, R. E. L. Cooper appears in the list of twelve applicants admitted to citizenship into the Choctaw Nation by the United States Court.

Q You stated Mr. Cooper that you had never lived in the Indian Territory? A Yes sir.

Q What proportion of Choctaw blood do you claim?

A One sixteenth.

Q Is there any additional statement in regard to your case you desire to make at this time? A No sir.

Q How does it happen Mr. Cooper that you have made your residence away from your father so many years? A He came here when I was going to school, and when I got out of school, I got a position at Hope and just stayed there.

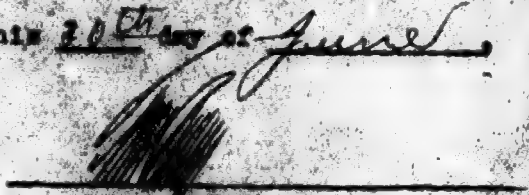
Q Have you any papers you desire to file with the Commission at this time? A No sir.

A copy of the decision of the Commission will be furnished you in writing at a later date, mailed to you at your proper post-office address.

H. R. Graves, being first duly sworn, states that as stenographer to the Commission on the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

H. R. Graves

Sworn to and subscribed before me this 30th day of June, 1900.



ACTING CHAIRMAN.

M. J.
Adm
7-R-391.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clara T. Cooper, Ida Atkins, Lee Atkins, Owen Atkins and Mary O. Atkins, as citizens by blood of the Choctaw Nation.

-----oOo-----

It appears from the records of the Commission that on September 7, 1896, in the case entitled "N. W. Cooper, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 729), original application was made to the Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for the admission of the applicants, Clara T. Cooper, Ida Atkins (as Ida Atkins, nee Cooper), Lee Atkins and Owen Atkins, as citizens by blood of the Choctaw Nation and on December 3, 1896 said applicants were by this Commission denied admission as citizens by blood of the Choctaw Nation. From this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court on January 19, 1898, in the case entitled "N. W. Cooper, et al., vs. Choctaw Nation" (Citizenship Case number 53), reversed said decision of the Commission as to the above applicants and admitted Clara T. Cooper (as Clara Tecora Cooper), Ida Atkins, Lee Atkins and Owen Atkins as citizens by blood of the Choctaw Nation.

The applicant Mary O. Atkins is a daughter of the applicant Ida Atkins and was born subsequent to the date of the original application made herein to the Commission in 1896.

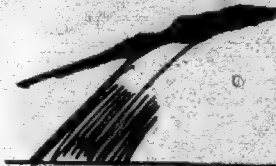
It further appears from the records in the possession of the Commission that on December 17, 1902 the Choctaw and Chickasaw Citizenship Court, created by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory. Said cause as to the above named applicants has not been appealed or certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said act of Congress approved July 1, 1902.

2.

It further appears from the records in the possession of the Commission that Noah W. Cooper, the father of the applicants Clara T. Cooper and Ida Atkins, and the grandfather of the applicants Lee Atkins, Owen Atkins and Mary O. Atkins, and Robert E. L. Cooper (as Robt. E. Lee Cooper or Robert E. L. Cooper) and Jessie May Cooper (as Jessie May Cooper or Jesse May Cooper), brother and sister of the applicants Clara T. Cooper and Ida Atkins, and whose names are mentioned in the testimony herein, were denied admission to citizenship in the Choctaw Nation by a decree of the Choctaw and Chickasaw Citizenship Court of April 30, 1904, in case number 88 upon the South McAlester Docket of said court.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904) and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904) the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Clara T. Cooper, Ida Atkins, Lee Atkins, Owen Atkins and Mary O. Atkins as citizens by blood of the Choctaw Nation and it is, therefore, hereby ordered that the application of Clara T. Cooper, Ida Atkins, Lee Atkins, Owen Atkins and Mary O. Atkins for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 2 1905

Choctaw R 391

COPY!

Muskogee, Indian Territory, January 26, 1905.

Clara T. Cooper,
Hope, Arkansas,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for your enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

~~RECEIVED~~

Jams Bixby
Chairman.

Registered.

Incl. 7-R-391.

Chectaw R 391

COPY

Muskogee, Indian Territory, January 26, 1905.

Ida Atkins,

Hope, Arkansas,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of yourself, and of your children, Lee Atkins, Owen Atkins and Mary O. Atkins, as citizens by blood of the Chectaw Nation.

Respectfully,

EDGHEEN

James Bixby

Chairman.

Registered.

Incl. 7-R-391

Cchootaw R 391

COPY.

Muskegee, Indian Territory, January 26, 1905.

Manefield, McMurray & Cornish,

Attorneys for Cchootaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of Clara T. Cooper, Ida Atkins, Lee Atkins, Owen Atkins and Mary O Atkins, as citizens by blood of the Cchootaw Nation.

Respectfully,

SIGNED

J. I. Bixby

Incl. 7-R-391

Chairman.

REFUSED.

MEMORANDA.

JUN 15 1900

JUN 15 1900

1900

Name Jessie May Cooper (Date) June 15, 1900
Choctaw _____ County _____ Year _____ No. _____

Chickasaw ? _____ County _____ Year _____ Page _____

Citizen by blood ? _____ Mother's citizenship _____

Intermarried citizen ? _____

Married under what law ? _____

License filed this day, _____

Wife's name, _____

Choctaw ? _____ County _____ Year _____ No. _____

Chickasaw ? _____ County _____ Year _____ Page _____

Citizen by blood ? _____ Mother's citizenship _____

Intermarried citizen ? _____

Married under what law ? _____

License filed this day _____

Names of children:

_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

(Father) Noah W. Cooper.

FILED
JUN 21 1900
COMMISSION TO FIVE TRIBES.

ОБОБЩАЮЩИЕ

SHOOTAW.

CHOCTAW.

(Date)

June 21 ~~1900~~ 1900

Choctaw? yes County not on risk car 1885 No. _____

Chickasaw ? no County Year 1896 Page

Citizen by blood? Yes Mother's citizenship (White)

Intermarried citizen? no

Married under what law?

License filed this day, NOV 11 1970

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? **Mother's citizenship**

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

County _____ Year _____ Page _____ No. _____

County Year Page No. County 20 Year 2000 Page 1 No. 1County 9 Year 1998 Page 1 No. 1

County Year Page No.

County 6 Year 1966 Page 1 No. 1County Alameda Year 1900 Page 4 No. 1

County 2 Year 1999 Page 2 No. 1

County 9 Year 2008 Page 1 No. 1

County _____ Year _____ Page _____

(father) - ^{Moak} ~~W.~~ W. Cooper (CHOCTAW. $\frac{1}{8}$)
(mother) - Mary Cooper DEAD (white)

Muscogee, Indian Territory,

August 18th, 1900.

Jessie May Cooper,

Hope, Arkansas.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Fennon, Mansfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-576:

Muskogee, Indian Territory, September 19, 1900.

N. W. Cooper,

Durant, Indian Territory.

Dear Sir:

The Commission is in receipt of your postal of the 18th instant, in which you desire to be informed whether your daughter, Jessie May Cooper, and Robert E. L. and three grand children are enrolled and also when the Commission will begin the allotment of the lands of the Choctaw Nation.

You are informed that the records of this Commission show that Jessie May Cooper, 20 years of age, of Hope, Arkansas, has been listed for enrollment by this Commission as a doubtful claimant to citizenship in the Choctaw Nation and that the Choctaw Nation, through its representatives, has filed with this Commission a notice of protest to her final enrollment, a notice of which was mailed to her at Hope, Arkansas, August 18th, 1900.

As to Robert E. L. Cooper, you are informed that the Commission on June 21st, 1900, heard the application of this party for enrollment as a citizen by blood of the Choctaw Nation and that his enrollment was at that time refused, it appearing in his testimony that he had never been a resident of the Indian Territory.

As to your grand children, you do not give their names and the Commission cannot locate them without their full names being given.

As to the allotment of the lands of the Choctaw Nation, you are informed that the Commission has not as yet determined upon

E. W. C. 2-

any date for the opening of a land office for the purpose of allotment of the lands of the Choctaw and Chickasaw Nations. It was intended a few months ago to open such an office at Alike, Indian territory, some time during the present month but such appointment has been indefinitely postponed and no arrangements have been made with reference to any future date when such an office will be opened.

Yours truly,

Acting Chairman.

In reply please
refer to 7-D-576

Muskogee, Indian Territory, October 1, 1900.

Noah C. Cooper,

Durant, Indian Territory.

Dear Sir:

The Commission is in receipt of your postal of the 28th ultime in which you desire to be informed if your grand-children, Lee Atkins and Owen Atkins have been allowed their rights and also as to your daughter. You do not state the name of your daughter but the Commission is led to believe that it is the mother of these children of whom you make this inquiry.

You are informed that the records of this Commission show that you appeared before the Commission at Durant, Indian Territory in the summer of 1899 and made application for the enrollment of your daughter Ida Atkins and her two children, Lee Atkins, aged nine years and Owen Atkins aged seven years.

Your testimony at that time further shows that these parties have never lived in the Indian Territory and for that reason their enrollment was at that time refused by the Commission.

If it is your desire or the desire of Mrs. Atkins to further prosecute this claim and have the same presented to the Secretary of the Interior for his consideration, you are informed that it will be advisable for Mrs. Atkins to appear in person before the Commission for the purpose of more complete examination into the details of her claim as the testimony now in the possession of the Commission would not be sufficient to forward to the Department for final consideration.

Yours truly,

In reply please refer to V-R-11.

Acting Chairman.

Muskogee, Indian Territory, October 10, 1900.

M. W. Geeser,

Durant, Indian Territory.

Dear Sir:-

The Commission is in receipt of your postal card of the 3rd instant, in which you request to be informed if the children of your daughter, Ida Atkins, who live in Arkansas, cannot be allowed their rights unless they are in the Indian Territory.

In reply to your inquiry, your attention is directed to the following provision contained in the act of Congress approved June 28th, 1898, commonly known as the Curtis Bill, which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Yours truly,

Acting Chairman.

7-R-11

Muskogee, Indian Territory, November 22, 1909.

Messrs. Mansfield, McMurray & Carnish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 14th instant in which you state that Noah W. Cooper, Ida Atkins, Clara Tecora Cooper, Robert E. L. Cooper, Jeannie May Cooper, Lee Atkins, Owen Atkins, John E. Cooper, William H. Cooper, Robert Cooper, Jacob J. Cooper, Lewis H. Cooper, were admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Central District of the Indian Territory but that you are advised that these parties have always lived in Arkansas and that they still live there.

You request to be advised if any of these parties have been listed for enrollment by the Commission and if so that you be furnished with the number of the card upon which they appear as so listed, the post-office addresses shown thereon and that carbon copies of any testimony that may have been taken before the Commission be furnished you in these cases.

You are informed that the records of this Commission show that Noah W. Cooper, 63 years of age, of Durant, Indian Territory, was listed for enrollment by this Commission as a citizen of the Choctaw Nation, August 25th, 1899, having been admitted to such citizenship by judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester,

January 19th, 1898, in court case No. 53.

It does not appear from our records that any application has ever been made to this Commission for the enrollment of Ida Atkins as a citizen of the Choctaw Nation in pursuance of this Judgment.

At Durant, Indian Territory, in August, 1899, the Commission refused the application for enrollment as citizens of the Choctaw Nation of Clara T., Robert E. L. and Jessie May Cooper, the children of Noah W. Cooper. There is enclosed you herewith a copy of the testimony before the Commission at that time.

The records of the Commission further show as to Robert E. L. Cooper, that he appeared before the Commission at Colbert, Indian Territory on June 21st, 1900 and made application for enrollment as a citizen by blood of the Choctaw Nation in pursuance of the judgment as above stated. There is enclosed you herewith a copy of the testimony of Mr. Cooper before the Commission last June.

On June 15th, 1900, at Colbert, Indian Territory, Noah W. Cooper appeared before the Commission and made application for the enrollment of his children and grand children as citizens by blood of the Choctaw Nation. There is enclosed you herewith a copy of the testimony of Mr. Cooper at the time of that appearance. On that date, Jessie May Cooper, who was denied by the Commission in 1899 was transferred from a rejected card and placed upon a doubtful card and now appears upon the records of this Commission as listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation, on Choctaw roll card, field No. D-576.

On August 25th, 1899, John E. Cooper, 48 years of age, of Durant, Indian Territory, and his son, Robert E. Cooper, eight years of age, were listed for enrollment by this Commission as

MEMO 1

citizens of the Chectaw Nation, having been admitted to citizenship in the judgment of the court above referred to and appear upon our records on Chectaw roll card, field No. 3957.

Yours truly,

Acting Chairman.

3957 -7

Enc 4, e, and f.

Mustagee, Indian Territory, August 6, 1906.

Book W. Cooper,

Kingston, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you desire to be advised of the next appointments of the Commission at Atoka, Durant and Colbert, Indian Territory, for the purpose of the reception of additional evidence in support of applications for enrollment in the Choctaw and Chickasaw Nations.

It is not the intention of the Commission at this time to make any appointments in the Choctaw and Chickasaw Nations for the purpose of the reception of applications for enrollment as citizens of those two tribes. It is possible, however, that in the event of the ratification of the pending agreement between the Choctaw and Chickasaw Nations and the United States, that provisions will be made for the sending of parties to the Choctaw and Chickasaw Nations for the purpose of obtaining additional testimony in the cases of applicants who are new upon our records. It is not presumed, however, that those parties will receive any original applications for enrollment, and if it is your desire or intention to have your children submit their applications to be enrolled it would be advisable that they do so at the office of the Commission

1980

TO: DIRECTOR, FBI (100-388610) FROM: SAC, NEW YORK (100-100000) (P)
SUBJECT: [REDACTED] (P)
[REDACTED]

SECRET

7-5958
7-2-591.

Muskogee, Indian Territory, August 20, 1902.

E. W. Cooper,
Kingston, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 13th instant, requesting information relative to the enrollment of your two minor children as citizens of the Cherokee Nation.

You are informed that it appears from the records of the Commission that on August 25, 1896, Noah W. Cooper, sixty-three years of age, of Durant, Indian Territory, was listed for enrollment by the Commission as a citizen by blood of the Cherokee Nation, having been admitted to such citizenship by a judgment of the United States Court for the Central District of Indian Territory, at Muskogee, Indian Territory, on January 19, 1896, in Court case No. 53.

It further appears from the records of the Commission that application has been made to the Commission for the enrollment of Clara T. Cooper, twenty-six years of age, Robert E. L. Cooper, twenty-five years of age, Jennie May Cooper, eighteen years of age, Ida Atkins, thirty years of age, Lee Atkins, nine years of age, Susan Atkins, seven years of age and Mary O. Atkins, four years of age, the two first named parties having been admitted to Cherokee citizenship

M. W. C., &

by a judgment of the United States Court for the Central District of Indian Territory at South McAlester, on January 18, 1893, in Court case No. 53.

No final action has been taken by the Commission in the matter of the enrollment of these parties as citizens of the Cherokee Nation, but it is probable that the same will be taken up for consideration at an early date, at which time the parties interested will be advised of the decision of the Commission, and of the forwarding of the record to the Secretary of the Interior for review.

If the two children whom you desire to have enrolled as citizens of the Cherokee nation are not included in the above list it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory, at as early a date as practicable and make application for their enrollment.

Yours truly,

Acting Chairman

Choctaw R 391

Muskogee, Indian Territory, September 22, 1902

H. W. Cooper,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 29, relative to the enrollment of your two youngest children, Robert E. L. Cooper and Jessie May Cooper, and asking if the Commission will make another appointment at Durant prior to the closing of the rolls.

In reply to your letter you are advised that it appears from our records that the names of Robert E. L. Cooper and Jessie May Cooper were included in the application made by you August 25, 1899, for the enrollment of yourself and family as citizens of the Choctaw Nation.

The Commission is contemplating making some appointments in the Choctaw and Chickasaw Nations, notice of which will be given to the public when the dates are definitely arranged.

Respectfully,

Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Clara T. Cooper,

Hope, Arkansas.

*Unknown impossible to
deliver. I have tried to locate but cannot*

REGISTRY DIVISION,
FEB 1 1905
MUSKOGEE, IND. TER.

MAY 27 1905

7-A-291

Received

Reg

11276
335

Choc. R. 392

Henry C. Dowd

R. 392

R-392
DISMISSED

FEB 1 1905

other of this child on Choctaw St.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

HENRY C. DOWD

7-R-392.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Anna J. Dowd and children as Choctaws; Gondalpus Dowd being sworn and examined by Com'r McKennon states:

Q What is your name? A Gondalpus Dowd.

Q How old are you? A 47.

Q Are you the husband of Anna J. Dowd? who was admitted by the United States Court at Ardmore November 11th 1897, in case #140?

A Yes sir.

Q Henry Jordan Cobb is not your child? A No sir, stepson.

Q Where have she and this child been living? A They lived in Mississippi.

Q When did they come to the Territory? A We came in 1896.

Q How long did you stay? A We staid about eight months, - from August until November.

Q Did you come here at the same time Harrison did? A I came before.

Q Is he related to your wife? A Yes sir, by marriage.

Q You staid here about eight months? A Yes sir, and went to Texas, where I lived before I sold out.

Q You said you came from Mississippi? A We stopped in Texas, over to
I came from Texas and staid from March until August 1896.

Q Did you buy property over there? A No sir, I rented land.

Q And came here in August and staid here how long? A From
August until November.

Q And then where did you go to? A To Texas.

Q How long did you remain there? A She went there to be confined, and staid from November until the 14th of February 1898, when they all moved back.

Q How long did you stay here then? A I have been here ever since.

Q Haven't been away? A I have been back in Texas two or three

Anna J. Dowd and children; Godolphus Dowd witness #2)

times.

Q How long did you stay here when you came with her? A We came here the 14th of February, and I went back again in July.

Q How long did you stay then? A I went the first of July and came back sometime in August.

Q Did you remain here then? A Yes sir.

Q All the while? A Yes sir.

Q Didn't you go back there? A Yes sir, I just came back from there myself.

Q You are just up from there now? A Yes sir; I went back last summer and this summer.

Q You are just now up from there yourself; how long had you been down there before you came up this time? A I went back latter part of June of this year.

Q Your wife and child been living here all the while? A Yes sir, here and Caddo.

Q When did she last come here from Texas? A In February, 14th 1897.

Q And she has been here ever since? A Yes sir, lived with Mr. Phillips and lived here.

Q She nor this child have never lived in ~~the~~ out of the Territory any more? A No sir.

Q What is the name of your child? A Henry C.

Q What is the date of its birth? A 30th day of November 1897.

Com'r McKeanon: They were admitted January 18th, 1898; the enrollment of Henry C. will be refused, because it was born before the date of the judgment.

--- Department of the Interior,

Commissioner of the Five Civilized Tribes.

I have read upon my official oath as
Commissioner of the Five Civilized Tribes, that this
report is a true and correct translation of
my stenographic notes.

M. D. H.

all Dow

7-R-392.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Henry C. Dowd as a citizen by blood of the Choctaw Nation.

-----oOo-----

The applicant, Henry C. Dowd, claims the right to enrollment as a citizen by blood of the Choctaw Nation through his mother Anna J. Dowd.

The right to enrollment as a citizen by blood of the Choctaw Nation of the applicant's half brother, Henry J. Cobb (as Henry Jordan Cobb), who also claims the right to enrollment through his mother, the said Anna J. Dowd, and whose right to enrollment is identical with the right of the applicant herein, having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of December 5, 1904, in case number 33 upon the Tishomingo docket of said court, it is hereby ordered that the application for the enrollment of Henry C. Dowd as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

Feb. 1, 1905.

Chectaw R 392

COPY.

Muskogee, Indian Territory, February 1, 1905.

Anna J. Dowd,

Robbers Roost, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated February 1, 1905, dismissing the application for the enrollment of your minor child, Henry C. Dowd, as a citizen by blood of the Chectaw Nation.

Respectfully,

SIGNED

James Bixby

Chairman.

Registered.

Incl. 7-R-392

Chectaw R 392

COPY.

Muskogee, Indian Territory, February 1, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Chectaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated February 1, 1905, dismissing the application for the enrollment of Henry C. Dowd as a citizen by blood of the Chectaw Nation.

Respectfully,

SIGNED,

Larns Bixby

Incl. 7-R-392

Chairman.

Muskegee, Indian Territory, May 28, 1900.

Mr. Gondalpus Dowd,

Robbersroost, Indian Territory,

Dear Sir:

When you appeared at Durant as an applicant for the enrollment of your wife and child, the Commission listed your wife for enrollment, but refused the enrollment of your child, because he was born prior to the date of the judgment of the United States Court, admitting your wife to citizenship in the Choctaw Nation. The Commission has, however, ruled recently, that children born to parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court, are entitled to be listed for enrollment, when born subsequent to the date of the filing of the original application to the Review Commission, under the act of June 10th, 1896. Your child, Henry C. Dowd, having been born subsequent to the date of the filing of the application for citizenship of the mother with this Commission, will be listed for enrollment upon the presentation of the proper birth affidavits. There is inclosed you herewith a blank birth certificate; in having the same filled out, be sure to see that all blanks are filled out, all names written plainly, and both affidavits provided for thereon are executed before a Notary public, and the Notary's name and seal attached to each affidavit. Signatures by mark, if any, should be attested by two disinterested parties as witnesses.

S.S. 1.

Upon receipt of the birth certificate, in proper form, the matter of the enrollment of Henry G. Dowd will receive proper consideration.

Yours truly,

Acting Chairman.

S.S. 2.

In reply to this letter,
please refer to 7-2-302

Muskogee, Ind. Ter., Feb. 14, 1901.

Genadolphus Dowd,

Robbers Roost, Indian Territory.

Dear Sir:-

In August, 1899, you appeared before the Commission at Durant, Indian Territory, and applied for the enrollment of your wife and her two children as citizens of the Choctaw Nation. Your wife, Anna J. Dowd, and her child, Henry J. Cobb, were at that time listed for enrollment, but her child, Henry G. Dowd, was refused enrollment, as having been born prior to the date of the judgment of Court admitting Anna J. Dowd to citizenship, and not being named in that judgment.

Although born prior to the date of the judgment, it appears that Henry G. Dowd was born subsequent to the date of the filing of the original application made by you for citizenship in the Choctaw Nation for your wife and her children. Therefore, upon the receipt of proper evidence of the birth of the said Henry G. Dowd, he will be listed with his mother as a Choctaw citizen.

There is enclosed you herewith a blank application for the enrollment of infant children, and upon which may be stated all the information necessary relative to the application for the enrollment of this child.

In having same executed, care should be taken to see that all names are written in full, and all blanks filled, and in the event either the mother or the attending physician or nurse at the birth

C.R. W.

of the child are unable to write, and their signatures are by mark,
that such marks are attested by two disinterested parties as witnesses
I hereto; also, to see that the notary public taking the acknowledg-
ments of the mother and attending physician or nurse affixes his sig-
nature and notarial seal to each jurat.

Yours truly,

Acting Chairman.

Encs.

Encl. 7-1

7-1

1392

CHOCTAW.

R. 383

Mattie Dunn, et al.

No 1

Record transferred to
Choctaw #4954

Choc. R. 394

Ellis A. Dunn

R. 394

REFUSED

COPY OF DECISION FORWARDED
ATTORNEYS FOR SHOOTAW AND
BHICKASAW NATIONS.

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

DENIED as to children

COPY OF DECISION FORWARDED
APPLICANT

Enrolled on Choc. D 6 2 2

RECORD FORWA. DED DEPART

ACTION APPROVED BY
SECRETARY OF INTERIOR

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR SHOOTAW
AND BHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

AUG 10 1900

AUG 10 1900

AUG 10 1900

AUG 10 1900

AUG 10 1900

AUG 10 1900

FEB 26 1901

APR 9 1901

APR 9 1901

APR 9 1901

(COPY)

Commission to the Five Civilized Tribes.

McAlester, I. T. , Nov. 16, 1899.

In the application of Rachel Dunn for enrollment as an inter-married Choctaw; being sworn and examined by Com'r. McKennon she testifies as follows:

Q What is your name? A Rachel Dunn.

Q How old are you? A Twenty-five.

Q You claim to have been married to a Choctaw Indian?

A Yes sir.

Q What is his name? A Johnson Frazier.

Q When were you married to him? A I was married to him in August about 10 years ago.

Q Did you live with him until he died? A No sir, he is living.

Q Were you divorced from him? A Yes sir, he got the divorce.

Q In the Indian Court? A I guess so. I don't know how he got it.

Q How long did you live with him? A About one month.

Q Did you leave him or did he leave you? A He left me.

Q And obtained a divorce from you? A Yes sir.

Q Have you since that time married again? A Yes sir.

Q Married a white man who had no right as a Choctaw? A Yes sir.

Q Did you have any children by Frazier? A No sir.

Q Have you children by your present husband? A Yes sir.

Q What's his name? A David M. Dunn.

Q You have children by him, what's their names? A Ellen A., five years old, Etta M., four years old, that's all.

Q These children are white children by your white husband? A Yes sir.

Q You are a white woman? A Yes Sir.

Enrollment of children refused.

-----o-----

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I hereby certify upon my official oath as stenographer to above named Commission that this transcript is a full, true and correct translation of my stenographic notes. (signed) M. D. GREEN.

(Copy)

Before the Commission to the Five Civilized Tribes.

In the matter of the application of Rachel Dunn, Ellen Ann and Ettie May Dunn, applicants for Citizenship and Enrollment as citizens and Members of the Choctaw Nation and Tribe of Indians in the Ind. Ter.

Rachel Dunn, et al., Plaintiffs,

vs.

Petition.

Choctaw Nation, Defendants.

Your applicants, Rachel Dunn for her self and Ellen Ann and Ettie May Dunn by their mother and next friend, Rachel Dunn, respectfully represents to this Honorable Commission that Rachel Dunn and Ellen Ann and Ettie May Dunn are citizens of the Choctaw Nation and members of the Choctaw tribe of Indians in the Indian Territory and claim their right as follows, to wit:

(Rachel Dunn)

That on the 29, day of May 1874 your applicant was born in the state of Texas, a citizen of the United States, of white parents citizens of the United States, to-wit: James Cramer and Annie Cramer: That her mother died when your applicant was very small and that shortly after her mother's death applicant's father moved to the Indian Territory bringing the applicant with him but that applicant was so small and young that she does not remember her mother nor the changes that took place on their removal to the Territory.

That after her father moved to the Indian Territory, for some reason unknown to this applicant he changed his name from Cramer to Hews and went by that name the balance of his life and till his death which occurred on the 30, day of March, 1892. That this applicant did not know but what her real name was Hews until after her father's death, when in looking over her father's papers finding his discharge from the Army, a copy of which is attached hereto and made a part hereof and the name is spelled two ways in the discharge and a copy of a letter is also hereto attached from a nephew to said James Hughs showing the correct spelling as this applicant believes, then upon investigation applicant learned that her father changed his name on coming to the Territory.

That on or about the ____ day of August 1889 at Atoka, Choctaw Nation, Ind. Ter. your applicant was duly and legally married to Johnson Frazier, who was then and still is a duly and regularly recognized member by blood of the Choctaw Tribe and Nation of Indians in the Indian Territory. That a certificate of said marriage was given and retained by the said Johnson Frazier and has since been lost.

That there was not then nor is there now any law of the said Choctaw Nation authorizing or requiring the issuing of a marriage license or requiring a certificate or any record of any kind to be made of a marriage between a white woman, a citizen of the United States and a male citizen by blood of the Choctaw Nation.

That it is now and was then the established custom for Choctaw men, by blood, to marry white women, citizens of the United States, without a license from the Choctaw Nation or any record being made thereof and by such marriage white women became members and citizens of the Choctaw Nation and Tribe of Indians and are and have been so recognized by the Choctaw authorities; and white women citizens of the United States, marrying male citizens, by blood of the Choctaw Nation, by whatever mode or manner have been held and decided to be, by Hon. W. H. H. Clayton, Judge of the United States Court for the Central District of the Indian Territory, citizens of the Choctaw Nation by

inter-marriage and that the children of such white women by a subsequent marriage to a white man, a citizen of the United States, are citizens of the Choctaw Nation.

That your applicant, Rachel Dunn, after her marriage with said Johnson Frazier lived with him and continued to be his legal and lawful wife until the 15, day of August, 1890 when a divorce was granted by the Circuit Court of the Third Circuit of the Choctaw Nation dissolving the bonds of matrimony between them the said Johnson and Rachel Frazier a copy of ~~which~~ said divorce is hereto attached and made a part hereof and marked exhibit "C".

That thereafter, to wit: on the 16 day of May, 1893 in the town of Krebs, Choctaw Nation, Ind. Ter. your applicant was again married to David M. Dunn, a citizen of the United States, under the laws of the United States in force in the Indian Territory, a copy of the license and marriage certificate is hereto attached made a part hereof and marked exhibit "D"; that ever since said marriage your applicant and her ~~said~~ husband, David M. Dunn have lived in the Choctaw Nation, Ind. Ter. and still live in the Choctaw Nation. That as the legal issue of said marriage with said Dunn there has been born two children, as follows, to wit; Ellen Ann Dunn, born on the 10, day of Feb. 1894 and Ettie May Dunn, born on the 10, day of August, 1895, both girls and both still living with their parents in the Choctaw Nation, and have lived in the Choctaw Nation since their birth and who by their mother, Rachel Dunn, as their next friend ask to be enrolled as citizens of the Choctaw Nation. That your applicant was married to David M. Dunn in her maiden name, Rachel Cramer, having at this time discovered her real name, and that she is the same person who was married to Johnson Frazier by the name of Rachel News.

That Honorable W. H. H. Clayton, aforesaid, has decided and holds that an intermarried citizen does not forfeit his or her right to citizenship by a second marriage to a white person, a citizen of the United States, regardless of the date of either marriage, to the citizen by blood of the United States Citizen. That he also holds that the children begotten of the marriage back to the white person, a citizen of the United States, are also citizens of the Choctaw Nation.

That these applicants have not been placed upon the rolls of the Choctaw Nation.

Wherefore your applicants pray that they be placed upon the rolls of citizens of the Choctaw Nation and admitted to all the rights and privileges of citizens of the Choctaw Nation.

J. S. Arnot,
Apps. Atty.

I, Rachel Dunn, do solemnly swear that I am one of the applicants named in the foregoing application and petition, and that I am acquainted with the matters and things set forth therein and that they are true as I very believe. .

her
Rachel X Dunn,
mark

Attest: J. S. Arnot,
D. M. Dunn.

Subscribed and sworn to before me this 6 day of November, 1897.

((SEAL))

P. S. Lester, Notary Public.

(Copy)

THE CHOCTAW NATION.

In the Circuit Court of the 3rd Judicial District, Regular August term, 1890.

A PETITION, OF Johnson Frazier being presented by His attorney in said Court for a BILL OF DIVORCE setting forth the facts, etc., after the Court hearing the Testimony in regard to the Petition do order and decree that a Bill of Divorce be issued to said applicant, Johnson Frazier.

Therefore I do issue a Bill of Divorce to said applicant Johnson Frazier forever releasing Him from the Bonds of Matrimony heretofore existing between Rachel Frazier.

Given under my hand and seal of office, this 15th day of Aug., 1890.

((SEAL))

E. M. Everidge,

Circuit Clerk, 3rd Dist. C. N.

-----o-----

Endorsed on back as follows:

I do hereby certify that this is a true copy of a Bill of Divorce Granted Johnson Frazier at the Aug. term of the Circuit Court, 1890.

Recorded in the Circuit Clerk's Office in Record Book No. 2, Page 225.

Given under my hand and seal of office, this the 1st day of Dec. A.D. 1897.

P. C. Harris, Circuit Clerk,

((SEAL))

3rd Dist. C. N.

(COPY)

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,)
Indian Territory,) ss.
Second Judicial Division.)

To Any Person Authorized by Law to Solemnize Marriage- Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. David M. Dunn, of Krebs in the Indian Territory aged 45 years, and Mrs. Rachel Crammer, of Krebs in the Indian Territory aged 20 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and Official seal, this 16th day of May,
A. D. 1893.

Joseph W. Phillips,

(SEAL)

Clerk of the U. S. Court.

By R. S. Scheiy, Deputy.

-----o-----
CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,)
Indian Territory,) ss.
Second Judicial Division.)

I, Wm. Henry Hicks, a Minister of the Gospel, do hereby certify, that on the 16th day of May, A. D., 1893 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

Witness my hand this 16th day of May, A.D. 1893.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Second Judicial Division Book A., Page 1, 2 & 3.

William H. Hicks,

a Pastor Congregational Church,
McAlester, Indian Territory.

NOTE:--This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the date hereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00)

Endorsed on back as follows:

No. 218.

David M. Dunn,

to) License.

Mrw. Rachel Grammer.

Filed May 18/93.

J. W. Phillips, Clerk.

By Jno. A. McClure, D. C.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,) ss.
Indian Territory.)
Second Judicial Division.)

I, Joseph W. Phillips, Clerk of the United States Court in the Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 18 day of May, A.D. 1893 at ____ o'clock ____ M., and duly recorded in Book B. Marriage Record, Page 260.

Witness my hand and seal of said Court at So. McAlester in said Territory this 20 day of May, A. D., 1893.

((SEAL))

J. W. Phillips, Clerk.

By R. S. Scheiy, Deputy.

(Copy)

Adjutants Generals Office.

Harrisburg, Dec. 19, 1889.

This is to certify that the Muster Out Roll on file in this office shows that James Crammer was enrolled as a private in Company G 3rd Regiment----- Pennsylvania Volunteers, Cavalry on the 8, day of August 1861 and was mustered in to the service of the United States as such for the period of three years from the 17, day of August, 1861, and that he was honorably discharged with his company Aug. 24, 1864.

D. H. Hastings,

((SEAL))

Adjutant General of Pennsylvania.

(COPY)

Tir Phil, Nov. 30, /89.

Dear Uncle and Aunt:-

I now take the pleasure of answering you most welcome letter which we received on the 18, inst. We are glad to hear by your letter that you are safe from the danger you were in. We had given you up for lost because we hadn't heard anything from you for years until we had a letter from your friend (Williams). We sent a letter back by return mail to him but it failed to find him and we had it back by Her Majesty's Service. We should like if you would let him know that we wrote to him. We are glad to hear that your country is improving, or rather getting more civilized, also the temper of the country you have is very delightful. We should like very much to have more news of your large continent, as it delights us very much to read of it. We are glad to inform you that we as a family are very well off now at present in the way of health and a plenty to eat and sufficient clothing &c, also the works are going on very regular and there are advances taking place in wages continually. The leads that we are at, are under ground, in the coal mines. Father is a splicer with the ropes (wire ropes) this many years. And I am a road-man (block layer) and my brother a Oiler on the inclines. (Glad to say that we are three Teetotalers)

Uncle John, your brother is now working on top of one of the coal pits, clearing ashes from the boilers. The place we live in is about 3 miles below Rhemney and it is coming a very lively little place. There are new houses building regular here and new pits sunk all around us so you can guess that we've right for work at any time.

You asked in your letter for your age here is your family's ages:-

Thomas Cramer born Sept. 7, 1828; John Cramer born 9, March, 1830
Mary Cramer, born Jany. 25, 1834; James Cramer born Sept. 28, 1836
Annie Cramer born Jan. 15, 1839; Levina Cramer born June 18, 1843.

James Thomas is here now driver on the Newport line and he asks of you very often. William Thomas his brother is on the Cardiff Line.

Uncle John and mother should like to know if it is possible that they should see you back here once more they would be very glad if they could see you again.

Now I must conclude by sending our best respects to you as a family Many a times.

I am Yours Truly,

John Griffiths.

Directions.

Thomas Griffiths

No. 18, Station Row,

S. Wales.

Ter Phil,

Via Cardiff.

(Copy)

Before the Commission to the Five Civilized Tribes.

Rachel Dunn, et al., Plaintiffs.

vs.

Choctaw Nation, Defendants.

I, Frank Smith, do solemnly swear that I was present on the 3rd day of December, 1897, and saw the following papers registered to Hon. Green McCurtain, Gov. Choctaw Nation, Sans Bois, Ind. Ter., towit; Application, Affidavit of Johnson Frazier, Marriage License Certificate &c, Copy of Divorce, Affidavits of, A.F.Elliott, M.E.Grever, and R. Todd also Discharge from Army and letter of John Griffith, the same being true copies of what was shown to me and which purported to be the original papers in the application of Rachel Dunn, et al., to the Dawes Commission for Citizenship in and to the Choctaw Nation.

(signed) Frank Smith.

Subscribed and sworn to before me this 3rd day of December, 1897.

((seal))

Wm. Costigan,

((SEAL))

Notary Public in and for the
Cent. Dist. of the Ind. Ter.

(Copy)

REGISTRY RECEIPT.

POST OFFICE AT SOUTH McALESTER, IND. TER.

Registered Letter, No. 155, Rec'd Dec. 3, 1897, of James S. Arnoti, addressed to Hon. Green McCurtain, Sans Bois, I. T.

M. A. Potter, P. M.

J.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ella A. Dunn and Etta M. Dunn as citizens of the Choctaw Nation,
Choctaw Filed No. R-394.

We hereby request on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed upon authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Indorsed:

Choctaw R-394.

In the matter of the enrollment
of Ellen A. Dunn, et al., as
citizens of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Feb. 6, 1904.
Tamm Bixby, Chairman.

7-R-394.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ellen A. Dunn, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on November 16, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Ellen A. Dunn and Etta M. Dunn as citizens of the Choctaw Nation.

The record in this case shows that the applicants herein are the children of David M. Dunn, a non-citizen white man, and Rachel Dunn, a white woman, whose name appears as No. 1376 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1903 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior March 14, 1905.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application for the enrollment of Ellen A. Dunn and Etta M. Dunn as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 498), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

AUG 10 1906

1-R-394

Muskogee, Indian Territory, August 10, 1906.

COPY.

David M. Dunn,
Krebs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application for the enrollment of Ellen A. Dunn and Etta M. Dunn as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tame Bixby
Commissioner.

Registered.

Incl.-7-R-394.

7-R-394

COPI

Muskogee, Indian Territory, August 10, 1906.

James S. Arnote,

South McAlester, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application for the enrollment of Ellen A. Dunn and Etta M. Dunn as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Samuel H. Hootch

Commissioner.

Registered.

Incl. 7-R-394.

7-R-394

Muskogee, Indian Territory, August 10, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 10, 1906, denying the application for the enrollment of Ellen A. Dunn and Etta M. Dunn as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tamm Dixby

Commissioner.

Incl. 7-R-394

Muskogee, Indian Territory, August 10, 1906.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Ellen A. Dunn and Etta M. Dunn as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated August 10, 1906, denying said application.

Respectfully,

SIGNED

Jame Bixby
Commissioner.

2 Incl. 7-R-394

Through the
Commissioner of Indian Affairs.

FILE

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Commander to the Five Civilized Tribes,
Muskogee, Indian Territory.

Your decisions in the following Chester citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Date of Your
Letter of Transmittal.

John Ray Smith,
Marie Evelina Davidson,
Frank Delmer Jones,
Joseph Gaines,
Dave Watkins (Freedom),
Ada Hickey,
Isabella Gandy et al. (Freedom),
Layman Cox et al. (Hillsboro),
E. Dunn, (Hillsboro),
Sam H. Williams et al., (Hillsboro),
John Edwards,
Seymour McDonald et al.,
Gilbert Pleasant,
Vern H. Rogers, et al.,
Flora Catherine Smith,
Benjamin Franklin Smith,
Jesse Washington (Freedom),
Hickey Lee Lee,
Edward Franklin Searcy.

THE
NEW
YORK
PUBLIC
LIBRARY
ASTOR LENOX TILDEN FOUNDATION

Title of Case.	Date of your Letter of Transmittal.
Charles Franklin (Brookman),	June 15, 1906.
Joe Gardner (Brookman),	June 15, 1906.
Matie Graham (Brookman),	June 9, 1906.
Lawley Washington (Brookman)	June 15, 1906.
Willie Arvood Starn,	December 20, 1905.
John Edward Starn,	December 20, 1905.
Samuel Sydney Harris (Jr.),	December 20, 1905.
Glenns Franklin Gatlin et al.,	June 15, 1906.
James Brown et al.,	June 15, 1906.
Della Carter, et al.,	August 6, 1906.
Matie Lee Walker et al.,	June 21, 1906.
Stanford Stinson,	June 21, 1906.
Robert Joseph Hall,	June 21, 1906.
Georgie M. Wilson et al.,	June 21, 1906.
Ellen A. Dunn et al.,	August 10, 1906.
Savannah Eliza DeLaughter et al.,	June 21, 1906.

A copy heretofore and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

James H. Wilson,

Assistant Secretary.

28 inc. and 78 inc.
to Ind. Of. with copy
hereof.

A. J. M.
2-27-07.

Land
69302-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(C O P Y)

December 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith for Departmental consideration, report of Commissioner Bixby, dated August 10, 1906, together with the record in the matter of the application of Ellen A. Dunn and Etta M. Dunn for enrollment as citizens of the Choctaw Nation.

The Commissioner reports that on November 15, 1899, application was made to the Commission for the enrollment of Ellen A. Dunn and Etta M. Dunn, as above.

An examination of the record herein shows that the applicants are the children of David M. Dunn, a non-citizen white man, and Rachel Dunn, a white woman, whose name appears as No. 1576 on a list prepared by the Commission, under the provisions of the Act of July 1, 1902 (32 Stat.L., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Department on March 14, 1905.

On this state of the record, it is recommended that the application herein be denied, in accordance with the provisions of the Act of June 21, 1906, (34 Stat.L., 325) and Departmental ruling in the case of William Jesse Bacon (I.T.D. 5008-1906, 2548-1906).

AJV-SD.

Very respectfully,
G. F. Larabee,
Acting Commissioner.

Commissioner.

7-R-394

Muskogee, Indian Territory, April 9, 1907.

David M. Dunn,

Krebs, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of August 10, 1906, denying the application for the enrollment of Ellen A. Dunn and Etta M. Dunn as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,
Commissioner.

Muskogee, Indian Territory, April 9, 1907.

James S. Arnott,

South McAlester, Indian Territory,

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of August 10, 1906, denying the application for the enrollment of Ellen A. Dunn and Etta M. Dunn as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.
Commissioner.

Muskogee, Indian Territory, April 9, 1907.

Wensfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of August 10, 1906, denying the application for the enrollment of Ellen A. Dunn and Etta M. Dunn as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,
Commissioner.

Chester D 527
Chester R 394

Muskogee, Indian Territory, April 16, 1905.

W. J. Oglesby,

Krebs, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 15, asking relative to the status of Mrs. Rachel Dunn and her two children, and in reply to your letter you are advised that it appears from our records that Rachel Dunn and her two children, Ellen A. Dunn and Etta W. Dunn, are applicants to this Commission for enrollment in the Chectaw Nation, and that their final right to such enrollment has not yet been determined. As soon as a decision is reached these applicants will be duly notified of the action of the Commission.

Respectfully,

Chairman.

Choctaw R 394

Muskogee, Indian Territory, February 10, 1904.

David M. Dunn,

Krebs, Indian Territory:

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of your two minor children, Ellen A. and Etta M. Dunn, as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

CHOCTAW.

R-395

R.

Sarah C. Griffith

Record transferred to Choctaw
card D*213.

Jane C. Harrison, et al

Nos 1, 3, 4, 5, 6 are duplicates
of those on Choctaw R. # 113.
114 and 115 - No 2 transferred
to Choctaw R# 728.

Choc. R. 397

R. 397

Charles M. ...
DISMISSED

MAY 27 1864

DENIED as to wife, *Magg*

*Husband and son on
Choctaw 3535*

Fragment concerning Feb. 15-1901

J.M.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

Record in the matter of the application for enrollment
as a citizen by intermarriage of the Choctaw nation of:

Maggie Hill,

7-R-397.

---o---

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Monroe Hill as a Choctaw; being sworn and examined by Com'r McKennon he testifies as follows:

- Q What is your name? A Monroe Hill.
- Q How old are you? A Twenty-two.
- Q Where have you been living? A Here in the Choctaw Nation for the last ten years.
- Q Never lived anywhere else during that time? A No sir.
- Q You have a wife? A Yes sir.
- Q What is her name? A Maggie Hill.
- Q When were you married to her? A I have been married to her five years.
- Q Have you got some children? A I have one child.
- Q What is its name? A Lee Hill.
- Q When was it born? A It was born the 25th of last June, - June, 1899.

Com'r McKennon: That child will be enrolled; it was born since this judgment was rendered; but your wife will not be enrolled.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that my official oath as
stenographer to the said Commission, that this
transcript is a true and correct translation of
my stenographic notes.

McKennon

Shd

7-R-397.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.


-----o-----

In the matter of the application of Maggie Hill for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----o-----

The applicant, Maggie Hill, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Monroe Hill. The right of the applicant's husband, Monroe Hill, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 18, 1904, in case No. 84, upon the South McAlester docket of said court, it is hereby ordered that the application of Maggie Hill for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

7- R- 397.

COPY.

Muskogee, Indian Territory, June 8, 1904.

Maggie Hill,

Folsom, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

Registered.

Incl. 7- R- 397.

7- R- 397.

COPY.

Muskogee, Indian Territory, June 8, 1904.

Hansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Maggie Hill.

Respectfully,

SIGNED

Tams Bixby.

Registered.

Chairman.

Incl. 7- R- 397.

See Choctaw R- 650 for registry receipt for this letter.

END
OF
ROLL

